



U.S. Immigration and Customs Enforcement

STATEMENT

OF

THOMAS HOMAN

EXECUTIVE ASSOCIATE DIRECTOR
ENFORCEMENT AND REMOVAL OPERATIONS
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON
"Removal of Aliens from the United States in Recent Years"

BEFORE THE

U.S. SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND THE NATIONAL INTEREST

May 19, 2016

INTRODUCTION

Chairman Sessions, Ranking Member Schumer, and distinguished members of the Committee, thank you for the opportunity to appear before you today to discuss how U.S. Immigration and Customs Enforcement (ICE) works with its sister agency, U.S. Customs and Border Protection (CBP), to smartly and effectively enforce our immigration laws. Individuals who pose a threat to public safety or national security or who are apprehended crossing the border illegally are enforcement priorities, and ICE allocates enforcement resources accordingly. Day-in and day-out, ICE agents, officers, and attorneys focus their efforts and resources on the removal of individuals who have been convicted of felonies, those who have been convicted of significant or multiple misdemeanors, those actively and intentionally engaged in gang activity, and recent border entrants. Today, I am pleased to outline the role the dedicated men and women of ICE Enforcement and Removal Operations (ERO) play in the identification, arrest, detention, and removal of individuals meeting the Department's enforcement priorities.

The Department's removal and return statistics are affected by a number of factors including: (1) the Department's increased focus on prioritizing convicted criminals and threats to national security, public safety, and border security; (2) the rate of CBP interdictions at the border, which decreased dramatically in Fiscal Year (FY) 2015 compared to FY 2014, reflecting a lower level of attempted illegal immigration at U.S. borders; (3) the level of cooperation from our state and local partners last year; (4) the increased scale of and need for at-large enforcement work; (5) changing migrant demographics; and (6) the challenges posed by recalcitrant countries.

This focusing of effort was clarified on November 20, 2014 when Secretary Johnson issued several memoranda, including *Policies for the Apprehension, Detention and Removal of*

Undocumented Immigrants and Secure Communities, outlining the Department's enforcement priorities and guidance on the exercise of prosecutorial discretion. These priorities continue to inform our decisions to identify, arrest, detain, prosecute, and remove aliens from the United States. The ability to use good judgment on a case-by-case basis is one of our most important tools for ensuring that our laws are enforced fairly and humanely. ICE will continue to perform optimally within legal bounds, accomplish our mission, make strategic use of our resources, and improve efficiency and reporting.

ICE ENFORCEMENT AND REMOVAL OPERATIONS

Guided by DHS's enforcement priorities, the nearly 6,000 law enforcement officers of ERO identify removable individuals and make arrest, detention, prosecutorial, and removal determinations in a manner designed to best promote national security, public safety, and border security, consistent with the following priorities:

- Priority 1 includes those who pose a threat to national security, border security, or public safety.
- Priority 2 includes those who have been convicted of significant or multiple misdemeanors, those who have significantly abused the visa or visa waiver programs, and those apprehended who unlawfully entered the United States after January 1, 2014.
- Priority 3 focuses on those individuals who have been issued a final order of removal on or after January 1, 2014.

ERO works to identify individuals who may be subject to immigration enforcement actions in a number of ways, including working with our federal, state, and local law enforcement partners to identify, locate, arrest, and remove dangerous convicted criminal aliens who pose a threat to the community. Throughout the process, ERO works closely with ICE's Office of the Principal Legal Advisor, which represents the government in removal proceedings in the immigration court system, administered by the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR). ERO also coordinates the removal of individuals with final removal orders, including obtaining necessary travel documents from the countries to which they are being returned.

Removals

Over the past several years, ICE has refined its priorities to focus on the most serious public safety and national security threats as well as recent border crossers. FY 2015 was a transitional period in which ICE implemented Department-wide civil immigration enforcement priorities, as directed by DHS Secretary Johnson in his November 2014 enforcement priorities memorandum.

The revised priorities have intensified ICE's focus on removing aliens convicted of serious crimes as well as public safety and national security threats and recent border entrants. ICE's FY 2015 removal statistics also illustrate our commitment to ensuring that individuals who pose a threat to public safety are not released from ICE custody, and demonstrate that our review processes reflect ICE's commitment to public safety.

In FY 2015, ICE conducted 235,413 removals: 59 percent of all ICE removals, or 139,368, were previously convicted of a crime, and 98 percent of all ICE removals met one or more of DHS's stated civil immigration enforcement priorities. Of the 96,045 individuals removed who had no criminal conviction, 94 percent, or 90,106, were apprehended at or near U.S. borders or ports of entry. The leading countries of origin for removals were Mexico, Guatemala, Honduras, and El Salvador.

ICE continued to prioritize its removals in FY 2015 by focusing on serious public safety and national security threats, increasing by 3 percent over FY 2014 the percentage of removals that were convicted criminals. More specifically, of the total ICE removals, 86 percent (202,152) fell into Priority 1, which includes national security and public safety threats; 8 percent (18,536) fell into Priority 2, which includes individuals convicted of serious or multiple misdemeanors; and 4 percent (9,960) fell into Priority 3, or those aliens who received a final order of removal on or after January 1, 2014.

Level of Cooperation from State and Local Partners

In the past, a significant factor impacting removal operations has been the number of state and local law enforcement jurisdictions limiting or declining cooperation with ICE. Secure Communities—which used a detainer form that did not have a probable cause standard—drew criticism from communities, was widely misunderstood, and became embroiled in litigation. Many counties and cities across the country stopped holding individuals on immigration detainers to avoid potential liability. When state or local law enforcement agencies decline to transfer custody of removable convicted criminal and public safety threats to ICE, ICE must

locate and arrest such aliens at-large, after their release. Not only does this create a time period in which the dangerous individual is not in custody thereby putting the public at risk, but it is also a significantly more resource intensive and dangerous way to do business, both for my deportation officers and for the public. To address this problem, the Department created the Priority Enforcement Program (PEP).

Our objective with PEP is to implement an interior enforcement strategy that supports community policing by focusing on convicted criminals and individuals who threaten public safety, and by working with state and local law enforcement to take custody of dangerous individuals and convicted criminals—including felons, significant/repeat misdemeanants, and criminal gang participants—before they are released into the community. ICE is committed to working with all jurisdictions that are interested in partnering with us. PEP was developed to bring back on board those state and local jurisdictions that had concerns with, or legal obstacles to, assisting us in implementing Secure Communities. Lastly, individuals who do not fall within the specific parameters of PEP but whose removal would serve an important federal interest, may be transferred from jurisdictions interested in doing so.

It is critically important that we bring back non-compliant jurisdictions as partners, so that we can work together to keep our communities safe and maintain community policing, which is a critical component in this work. I think it is an encouraging sign that, for the top 25 previously non-cooperating jurisdictions, 17 are now participating in PEP. Collectively, the jurisdictions that have re-commenced compliance with ICE to some degree account for 61 percent of previously declined detainees from January 2014 to June 2015, the month immediately preceding PEP deployment. As ICE continues to strengthen and improve relations with state and

local law enforcement partners and tailor PEP to their community's needs, more jurisdictions will participate in PEP, increasing the number of convicted criminal aliens transferred to ICE for removal.

At-Large Efforts

I would also like to highlight ERO's continued actions in locating and arresting priority aliens in non-custodial settings. Each and every day, deportation officers seek and arrest criminal aliens and other enforcement priorities. Our officers continue to accomplish their mission with accuracy, consistency, and professionalism. Recently, in accordance with a congressional appropriation, ERO established ten Mobile Criminal Alien Teams (MCATs) in field offices to augment Fugitive Operations teams. The MCATs will conduct targeted, at-large field enforcement activities designed to investigate, locate, and arrest priority aliens for removal from the United States. One key responsibility of these teams is the location and arrest of convicted criminals who were released to the streets because detainers or requests for notification were not honored.

Changing Migrant Demographics

Changing illegal migrant demographics have also significantly impacted ERO's removal operations. As illegal entries by Mexican nationals continue to decrease, illegal entries by Central Americans—especially unaccompanied alien children and family units—continue to increase. In general, more time, personnel, and resources are required to complete the removal process for nationals from Central America and other non-contiguous countries when compared

to Mexican nationals apprehended at the border. This is because removals of non-Mexican nationals usually requires ICE to use additional detention capacity, expend more time and effort to secure travel documents from the host country, and arrange air transportation to remove such aliens to their country of origin. Additionally, many Central American nationals are making asylum claims. Such cases require careful adjudication by U.S. Citizenship and Immigration Services—the other immigration component in DHS in addition to ICE and CBP—and therefore take longer to process.

Even still, as Secretary Johnson has repeatedly said, our borders are not open to illegal immigration and we will enforce the law consistent with our priorities, at all times endeavoring to do this consistent with American values, and basic principles of decency, fairness, and humanity. Individuals are priorities for removal only after receiving a final order of removal and exhausting all their legal remedies for relief.

Recalcitrant Countries

The removal process is also impacted by our foreign partners. As the Committee is aware, in order for ICE to effectuate a removal, two things are required: (1) a final order of removal or grant of voluntary departure and (2) a travel document from the foreign country. Although the vast majority of countries adhere to their international obligation to accept the timely return of their citizens, ICE suffers from unique challenges with a limited set of countries that systematically refuse or delay the repatriation of their nationals. Such countries are considered to be uncooperative or recalcitrant, and ICE works with the Department of State to consistently engage government officials in these countries when feasible. Additionally, the

decision of the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001) creates challenges in the removal process for individuals from these countries. Pursuant to *Zadvydas*, ICE has the authority to detain aliens subject to a final order of removal for 180 days from the date the removal period begins. Generally speaking, after 180 days, continued detention of aliens with final orders of removal is permitted only when removal is significantly likely in the reasonably foreseeable future, with very limited exceptions that are the subject of litigation.

As of May 2, 2016, ICE records indicated that there were 23 countries listed as uncooperative including Afghanistan, Algeria, the People's Republic of China, Cuba, Iran, Iraq, Libya, Somalia, and Zimbabwe. As a result of their lack of cooperation, ICE has experienced a significant hindrance in our ability to removal aliens from these countries. ICE is closely monitoring an additional 62 countries which strain cooperation, but are not deemed recalcitrant at this time. Due to such countries' delays and sometimes outright refusal to repatriate their nationals, ICE has been compelled by law to release thousands of aliens, including some with criminal convictions.

Despite ICE's continued efforts, a number of factors constrain ICE's ability to improve the number and timeliness of repatriations to those nations. Such factors include limited diplomatic relations with some countries; the countries' own internal bureaucratic processes, which foreign governments at times utilize to delay the repatriation process; and foreign governments that simply do not view repatriation as a priority.

Pursuant to a Memorandum of Understanding signed in April 2011 with its partners at the U.S. Department of State, ICE continues to work through U.S. diplomatic channels to increase repatriations to recalcitrant countries. We have made some progress. In FY 2015, ICE was able

to remove convicted criminals to ten additional countries via ICE Air Operations charters, including an individual convicted of selling drugs, resisting arrest, DUI, and criminal trespassing to Uganda; and another individual convicted of attempted bombing to Sudan. The U.S. Government remains firm and focused in its resolve to engage all nations that deny or unreasonably delay the acceptance of their nationals.

CONCLUSION

With the Committee's support, ICE will continue to effectuate immigration enforcement in a strategic manner to safeguard public safety, maximize the agency's success, and engage with state and local governments and local communities to enhance cooperation and build enduring partnerships. Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I look forward to answering your questions.

From: Christensen, Gillian M
Sent: 28 Jan 2016 16:56:37 -0500
To: (b)(6);(b)(7)(C)
Subject: RE: OBG Stats

Thanks! I think the "denied entry" to the officers category is a salient one and helpful in informing our decision on how to proceed.

Gillian M. Christensen
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
(202) 732- (b)(6);(b)(7)(C)
(202) 615- (b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, January 28, 2016 4:46 PM
To: Christensen, Gillian M; (b)(6);(b)(7)(C)
Subject: FW: OBG Stats

From: Albence, Matthew
Sent: Thursday, January 28, 2016 4:41 PM
To: Homan, Thomas; Miller, Philip T; Gurule, Jon M; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: OBG Stats

Today's update. 4 more.

Note the denied entry. We're up to 15.

From: (b)(6);(b)(7)(C)
Sent: Thursday, January 28, 2016 4:29 PM
To: Albence, Matthew
Cc: (b)(6);(b)(7)(C)
Subject: FW: OBG Stats

Hi Matt,

Please see the OBG stats below for today.

Thank you,

(b)(6);(b)(7)(C) | Section Chief
National Fugitive Operations Program
Fugitive Operations & Training Division
(202) 732- (b)(6);(b)(7)(C) esk)

(202) 905-(b)(6) (cell)

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)

Sent: Thursday, January 28, 2016 4:05 PM

To: (b)(6);(b)(7)(C)

Subject: OBG Stats

4 arrests for today, bringing us to 58 total arrests (12 of which are criminal).

Row Labels	Count of Disposition2
Arrested	58
Departure verified by field team (ATS-P, etc.)	3
Not located – Knock and no contact at residence	82
Not located - Target does not reside at address	109
Officers Denied Entry	15
Prosecutorial Discretion - Caretaker	1
Prosecutorial Discretion - Legal / Benefit	5

Arrests				
COUNTRY	Male	Female	Total	Criminal
BRAZI				
CANAD				
ECUAD		2	2	
ELSAL	16	1	17	1
GUATE	13	2	15	
HONDU	8	2	10	
INDIA				
MEXIC	13	1	14	11
NICAR				
PERU				
Total	50	8	58	12

Arrests				
AOR	Male	Female	Total	Criminal
ATL	18	3	21	1
BAL				
BOS	1	2	3	
BUF				
CHI	1		1	

DAL	4		4	
DEN	1		1	
DET				
ELP				
HOU				
LOS	4		4	2
MIA	3		3	
NEW	2		2	
NOL		1	1	
NYC	1		1	
PHI	3		3	
PHO				
SEA		1	1	
SFR				
SLC	1		1	
SNA	1		1	
SND	9		9	9
SPM	1	1	2	
WAS				
Total	50	8	58	12

Arrests				
Date	Male	Female	Total	Criminal
1/24/2016	1		1	
1/25/2016	5		5	2
1/26/2016	23	2	25	5
1/27/2016	17	6	23	5
1/28/2016	4		4	
1/29/2016				
1/30/2016				
1/31/2016				
2/1/2016				
2/2/2016				
2/3/2016				
2/4/2016				
2/5/2016				
2/6/2016				
2/7/2016				
2/8/2016				
2/9/2016				

2/10/2016				
2/11/2016				
2/12/2016				
2/13/2016				
2/14/2016				
2/15/2016				
2/16/2016				
2/17/2016				
2/18/2016				
2/19/2016				
2/20/2016				
2/21/2016				
2/22/2016				
2/23/2016				
2/24/2016				
Total	50	8	58	12

(b)(6);(b)(7)(C)

National Fugitive Operations Program
ERO CLEAR Administrator
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
Fugitive Operations Division
500 12 Street SW
Washington, D.C. 20536
W: 202-732 (b)(6)
email: (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: 27 Jan 2016 18:08:38 -0500
To: Christensen, Gillian M; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: OBG Totals

From: Albence, Matthew
Sent: Wednesday, January 27, 2016 6:02 PM
To: Homan, Thomas; Miller, Philip T; (b)(6);(b)(7)(C) Gurule, Jon M
Cc: (b)(6);(b)(7)(C)
Subject: FW: OBG Totals

Numbers for today. Running at about a 16% arrest rate for targets.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, January 27, 2016 5:52 PM
To: Albence, Matthew
Subject: FW: OBG Totals

As requested.

(b)(6);(b)(7)(C)
Unit Chief
National Fugitive Operations Program
Fugitive Operations & Training Division
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
Washington, D.C. 20536
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From: (b)(6);(b)(7)(C)
Sent: Wednesday, January 27, 2016 4:54 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: OBG Totals

Total arrests are 47 (11 Criminal)

19 arrests made today, a few happened last night after the cut off, so yesterday's totals were upped a few.

So far 14 non- targeted arrests.

Row Labels	Count of Disposition
Arrested	47
Departure verified by field team (ATS-P, etc.)	2
Not located – Knock and no contact at residence	74
Not located - Target does not reside at address	82
Officers Denied Entry	11
Prosecutorial Discretion - Caretaker	1
Prosecutorial Discretion - Legal / Benefit	5

Arrests				
COUNTRY	Male	Female	Total	Criminal
BRAZI				
CANAD				
ECUAD		2	2	
ELSAL	14	1	15	1
GUATE	11	2	13	
HONDU	5	2	7	
INDIA				
MEXIC	10		10	10
NICAR				
PERU				
Total	40	7	47	11

Arrests				
AOR	Male	Female	Total	Criminal
ATL	15	2	17	1
BAL				
BOS	1	2	3	
BUF				
CHI	1		1	
DAL	4		4	
DEN	1		1	
DET				
ELP				

HOU				
LOS	1		1	1
MIA	3		3	
NEW	2		2	
NOL		1	1	
NYC	1		1	
PHI				
PHO				
SEA		1	1	
SFR				
SLC				
SNA	1		1	
SND	9		9	9
SPM	1	1	2	
WAS				
Total	40	7	47	11

Arrests				
Date	Male	Female	Total	Criminal
1/24/2016	1		1	
1/25/2016	5		5	2
1/26/2016	20	2	22	5
1/27/2016	14	5	19	4
1/28/2016				
1/29/2016				
1/30/2016				
1/31/2016				
2/1/2016				
2/2/2016				
2/3/2016				
2/4/2016				
2/5/2016				
2/6/2016				
2/7/2016				
2/8/2016				
2/9/2016				
2/10/2016				
2/11/2016				
2/12/2016				
2/13/2016				

2/14/2016				
2/15/2016				
2/16/2016				
2/17/2016				
2/18/2016				
2/19/2016				
2/20/2016				
2/21/2016				
2/22/2016				
2/23/2016				
2/24/2016				
Total	40	7	47	11

(b)(6);(b)(7)(C)

National Fugitive Operations Program
ERO CLEAR Administrator
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
Fugitive Operations Division
500 12 Street SW
Washington, D.C. 20536
W: 202-732-(b)(6)
email: (b)(6);(b)(7)(C)

From: Christensen, Gillian M
Sent: 10 Feb 2016 17:29:58 -0500
To: (b)(6);(b)(7)(C)
Subject: FW: OBG Results

Check it out.

Gillian M. Christensen
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
(202) 732- (b)(6);(b)(7)(C)
(202) 615- (7)(C)

From: Albence, Matthew
Sent: Wednesday, February 10, 2016 5:25 PM
To: Christensen, Gillian M
Subject: FW: OBG Results

FYSA

From: (b)(6);(b)(7)(C)
Sent: Wednesday, February 10, 2016 4:55:19 PM
To: (b)(6);(b)(7)(C) Albence, Matthew
Subject: FW: OBG Results

FYI

(b)(6);(b)(7)(C)
Unit Chief
National Fugitive Operations Program
Fugitive Operations & Training Division
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
500 12th Street SW
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(b)(6);(b)(7)(C)
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(202) 770- (6); cell)

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From: (b)(6);(b)(7)(C)
Sent: Wednesday, February 10, 2016 4:43 PM
To: (b)(6);(b)(7)(C)

Cc: HQERO, FUGOPS
Subject: OBG Results

10 Arrests today, bringing us to 246 (75 criminal) with 133 non target arrests

Row Labels	Count of Disposition
Arrested	246
Departure verified by field team (ATS-P, etc.)	8
Not located – Knock and no contact at residence	261
Not located - Target does not reside at address	619
Officers Denied Entry	57
Prosecutorial Discretion - Caretaker	4
Prosecutorial Discretion - Health/ Medical	2
Prosecutorial Discretion - Legal / Benefit	26

Arrests				
COUNTRY	Male	Female	Total	Criminal
BRAZI	2	1	3	1
CANAD				
ECUAD	1	2	3	
ELSAL	35	2	37	3
GUATE	90	11	101	18
HONDU	37	5	42	7
INDIA				
MEXIC	55	3	58	44
NICAR				
PERU				
THAIL	1		1	1
CAMBO	1		1	1
Total	222	24	246	75

Arrests					Non-Target Arrests
AOR	Male	Female	Total	Criminal	
ATL	63	7	70	21	34
BAL	4		4		
BOS	10	3	13		8
BUF	1		1		
CHI	4	2	6		1
DAL	10	2	12	3	4
DEN	1	1	2		
DET	9		9	2	5

ELP	1		1		
HOU	5		5	1	5
LOS	12		12	2	2
MIA	22		22	2	16
NEW	2	1	3		
NOL	2	1	3		2
NYC	6		6		
PHI	5		5		3
PHO	2		2	1	1
SEA	3	2	5	1	2
SFR					
SLC	3		3		1
SNA	13		13	3	6
SND	39	3	42	38	42
SPM	2	2	4		
WAS	3		3	1	1
Total	222	24	246	75	133

Arrests				
Date	Male	Female	Total	Criminal
1/22/2016	1		1	
1/23/2016	1		1	1
1/24/2016	1		1	
1/25/2016	5		5	2
1/26/2016	23	2	25	5
1/27/2016	18	6	24	6
1/28/2016	15	1	16	5
1/29/2016	9	1	10	2
1/30/2016				
1/31/2016				
2/1/2016	21		21	
2/2/2016	23	5	28	6
2/3/2016	22	1	23	9
2/4/2016	16	2	18	7
2/5/2016	11	1	12	6
2/6/2016	19	1	20	9
2/7/2016				
2/8/2016	8	1	9	5
2/9/2016	22		22	9
2/10/2016	7	3	10	3

2/11/2016				
2/12/2016				
2/13/2016				
2/14/2016				
2/15/2016				
2/16/2016				
2/17/2016				
2/18/2016				
2/19/2016				
2/20/2016				
2/21/2016				
2/22/2016				
2/23/2016				
2/24/2016				
Total	222	24	246	75

(b)(6);(b)(7)(C)

National Fugitive Operations Program
ERO CLEAR Administrator
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations
Fugitive Operations Division
500 12 Street SW
Washington, D.C. 20536
W: 202-732- (b)(6);(b)(7)(C)
email: (b)(6);(b)(7)(C)

From: Albence, Matthew
Sent: 16 Feb 2016 16:52:37 -0500
To: Homan, Thomas; Miller, Philip T; Gurule, Jon M; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: FW: OBG Results

FYSA

From: (b)(6);(b)(7)(C)
Sent: Tuesday, February 16, 2016 4:24 PM
To: Albence, Matthew
Subject: FW: OBG Results

From: (b)(6);(b)(7)(C)
Sent: Tuesday, February 16, 2016 4:21 PM
To: (b)(6);(b)(7)(C)
Subject: OBG Results

4 Arrests today, bringing us to 289 (96 criminal) with 162 non target arrests

Row Labels	Count of Disposition
Arrested	289
Departure verified by field team (ATS-P, etc.)	8
Not located – Knock and no contact at residence	283
Not located - Target does not reside at address	724
Officers Denied Entry	65
Prosecutorial Discretion - Caretaker	4
Prosecutorial Discretion - Health/ Medical	2
Prosecutorial Discretion - Legal / Benefit	27
(blank)	
Grand Total	1402

Arrests				
COUNTRY	Male	Female	Total	Criminal
BRAZI	2	1	3	1
CAMBO	1		1	1
CANAD				
ECUAD	1	2	3	
ELSAL	36	3	39	3
GUATE	105	11	116	21
HONDU	42	6	48	8
INDIA				

IRAQ	1		1	1
MEXIC	72	3	75	59
NICAR				
PERU				
SAUDI	1		1	
SOMAL	1		1	1
THAIL	1		1	1
Total	263	26	289	96

Arrests					Non-Target Arrests
AOR	Male	Female	Total	Criminal	
ATL	80	7	87	32	49
BAL	4		4		
BOS	10	3	13		8
BUF	1		1		
CHI	4	3	7		1
DAL	10	2	12	3	4
DEN	1	1	2		
DET	9		9	2	5
ELP	1		1		
HOU	7		7	1	5
LOS	12		12	2	2
MIA	30		30	3	19
NEW	5	2	7		
NOL	2	1	3		2
NYC	6		6		
PHI	6		6		4
PHO	2		2	1	1
SEA	3	2	5	1	2
SFR					
SLC	3		3		1
SNA	13		13	3	6
SND	49	3	52	47	52
SPM	2	2	4		
WAS	3		3	1	1
Total	263	26	289	96	162

Arrests				
Date	Male	Female	Total	Criminal
1/22/2016	1		1	
1/23/2016	1		1	1

1/24/2016	1		1	
1/25/2016	5		5	2
1/26/2016	23	2	25	5
1/27/2016	18	6	24	6
1/28/2016	15	1	16	5
1/29/2016	9	1	10	2
1/30/2016				
1/31/2016				
2/1/2016	21		21	
2/2/2016	23	5	28	6
2/3/2016	22	1	23	9
2/4/2016	16	2	18	7
2/5/2016	11	1	12	6
2/6/2016	19	1	20	9
2/7/2016				
2/8/2016	8	1	9	5
2/9/2016	22		22	9
2/10/2016	14	4	18	5
2/11/2016	15	1	16	7
2/12/2016	14		14	7
2/13/2016				
2/14/2016				
2/15/2016	1		1	1
2/16/2016	4		4	4
2/17/2016				
2/18/2016				
2/19/2016				
2/20/2016				
2/21/2016				
2/22/2016				
2/23/2016				
2/24/2016				
Total	263	26	289	96

(b)(6);(b)(7)(C)

National Fugitive Operations Program
ERO CLEAR Administrator
U.S. Immigration and Customs Enforcement
Office of Enforcement & Removal Operations

Fugitive Operations Division

500 12 Street SW

Washington, D.C. 20536

W: 202-732 (b)(6)

email

(b)(6);(b)(7)(C)

From: Christensen, Gillian M
Sent: 23 Feb 2016 11:47:03 -0500
To: (b)(6);(b)(7)(C)
Cc:
Subject: RE: UAC arrests
Attachments: Operation Border Guardian draft ERO edits.docx, Operation Border Guardian Draft RTQJFeb21.docx

See attached. Again – the data fields are blank. I can get you a current approximate number for each, if that's helpful.

Gillian M. Christensen
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
(202) 732- (b)
(202) 615- (6);

From: (b)(6);(b)(7)(C)
Sent: Tuesday, February 23, 2016 11:29 AM
To: (b)(6);(b)(7)(C) Christensen, Gillian M
Cc:
Subject: RE: UAC arrests

Do we have a draft yet?

From: (b)(6);(b)(7)(C)
Sent: Tuesday, February 23, 2016 11:26:14 AM
To: Christensen, Gillian M; (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: UAC arrests

I'll ask (b)(6);(b)(7)(C) after the hearing.

Sent with Good (www.good.com)

From: Christensen, Gillian M
Sent: Tuesday, February 23, 2016 10:24:08 AM
To:
Cc: (b)(6);(b)(7)(C)
Subject: FW: UAC arrests

(b)(6);(b)(7)(C)

How do we want to handle this? Obviously, OBG doesn't end until tomorrow. And it will take a few days for ERO to confirm the data. Do we want to address this Q now or tell (b)(6);(b)(7)(C) that we can't comment on an ongoing operation.

Thoughts?

Gillian M. Christensen
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
(202) 732 (b)(6);
(202) 615 (b)(7)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, February 23, 2016 11:22 AM
To: Christensen, Gillian M (b)(6);(b)(7)(C)
Subject: UAC arrests

Hey, Gillian. Tom Homan just testified that ERO has arrested more UACs with outstanding removal orders in the first quarter of FY 2016 than before. Can I get that number please and if you can, a status on how many have been deported? Most important is the actual number.
Thanks!

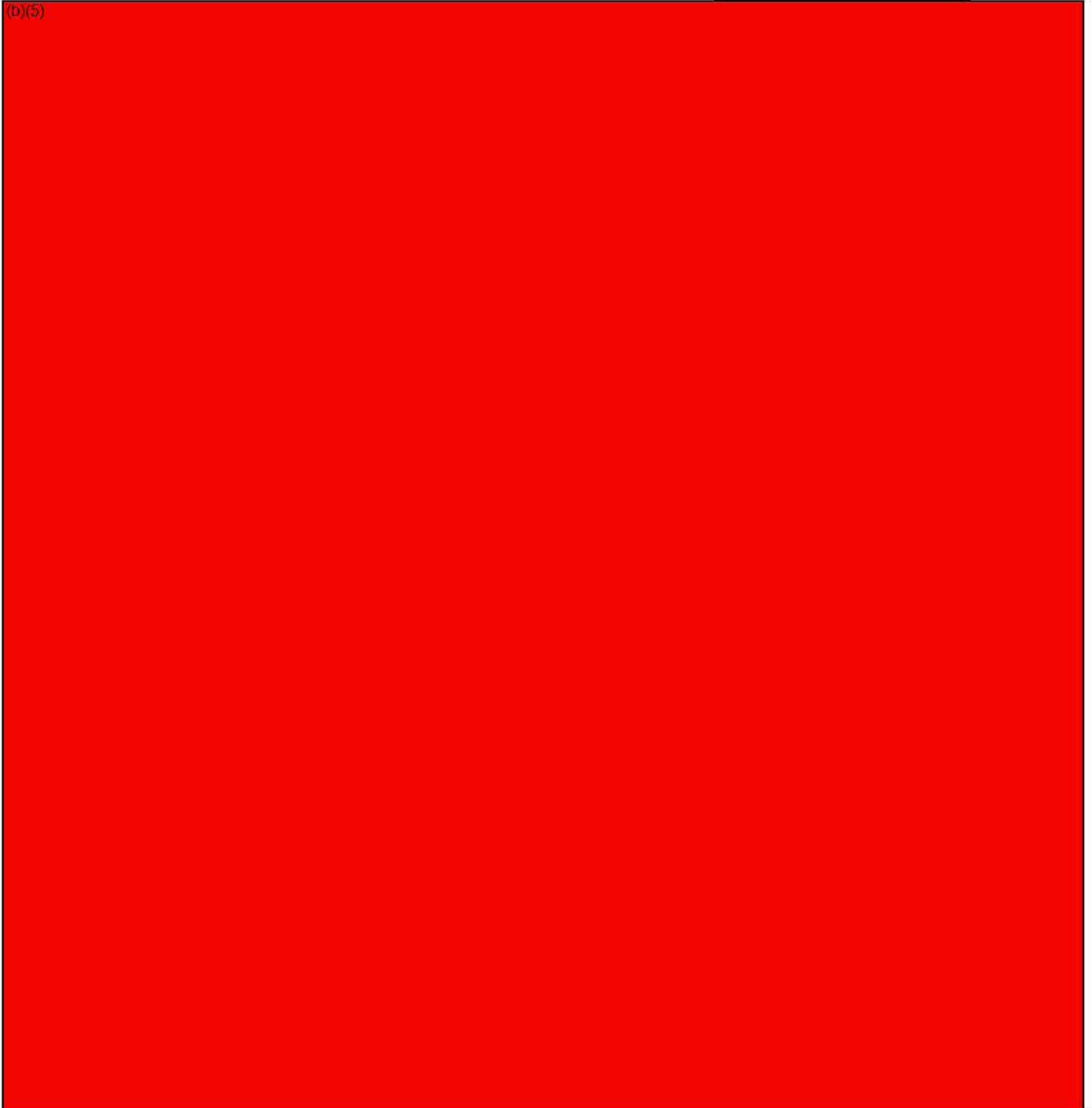
Cheers -- (b)(6)

(b)(6);(b)(7)(C)
The Associated Press
Washington
202-641 (b) o)
915-471 (6); c)
Twitter (b)(6);(b)(7)(C)

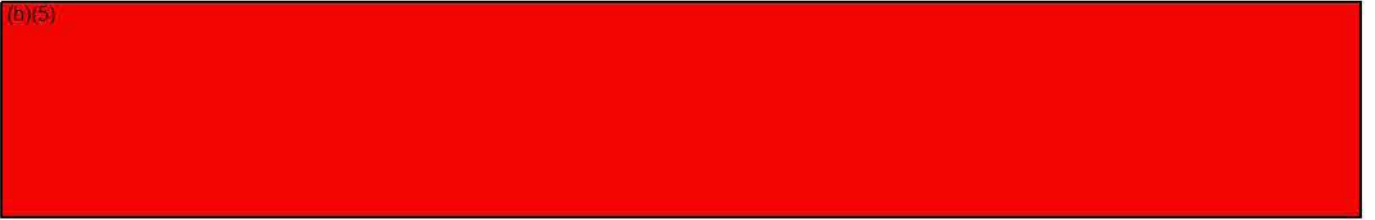


U.S. Immigration
and Customs
Enforcement

News Release



(b)(5)



ICE

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security. ICE is a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. For more information, visit: www.ICE.gov. To report suspicious activity, call 1-866-347-2423.



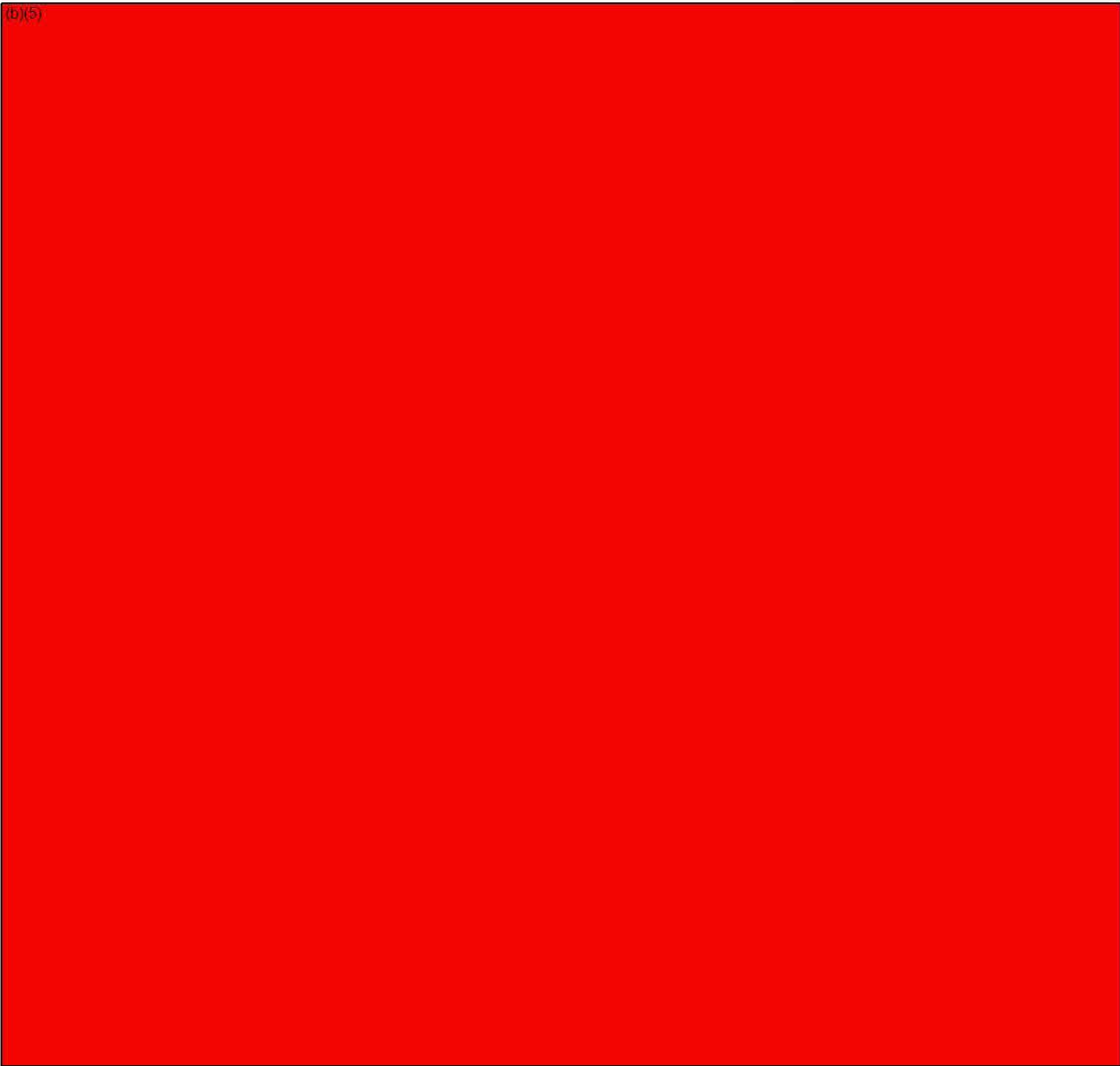
U.S. Immigration
and Customs
Enforcement

Media Plan

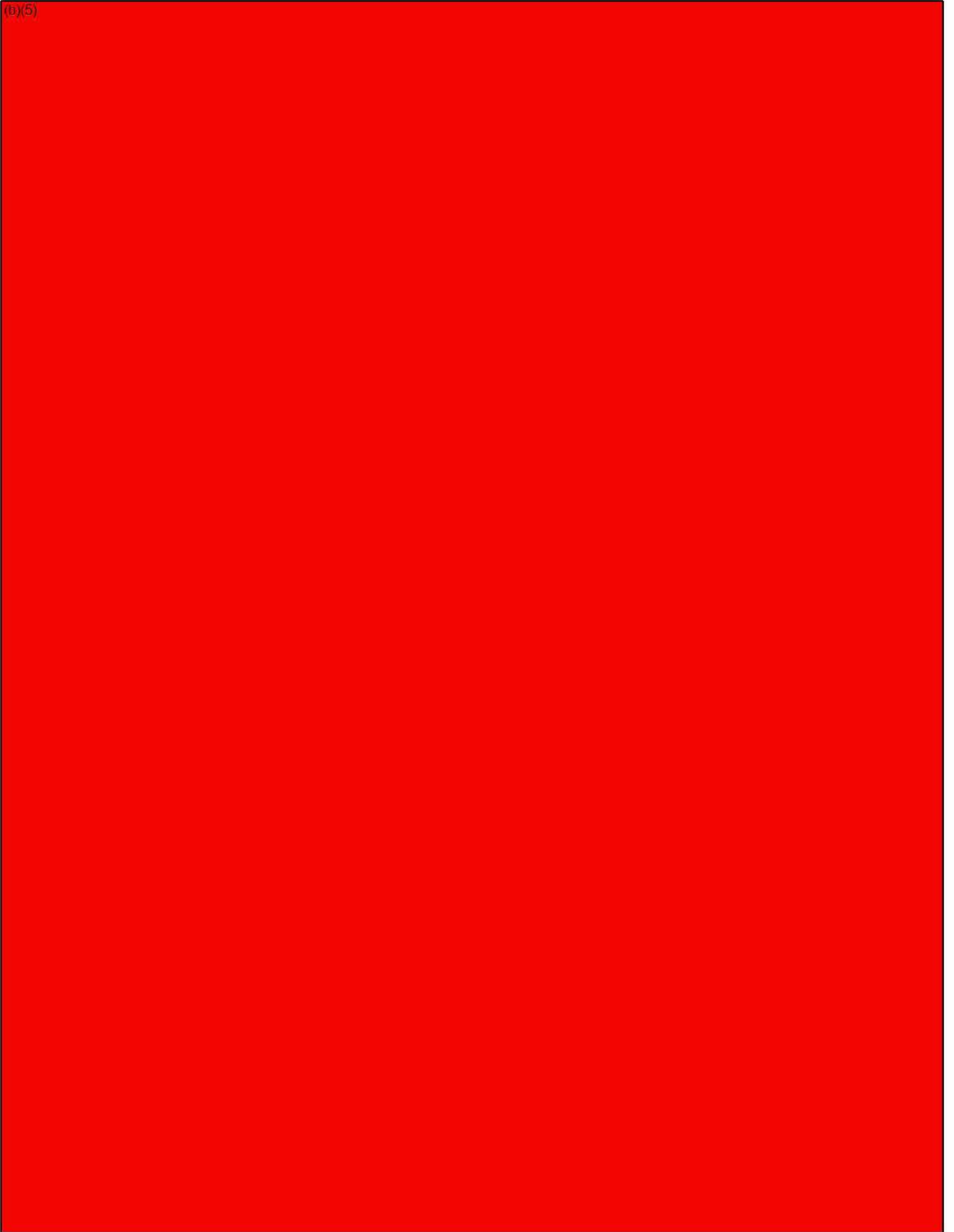
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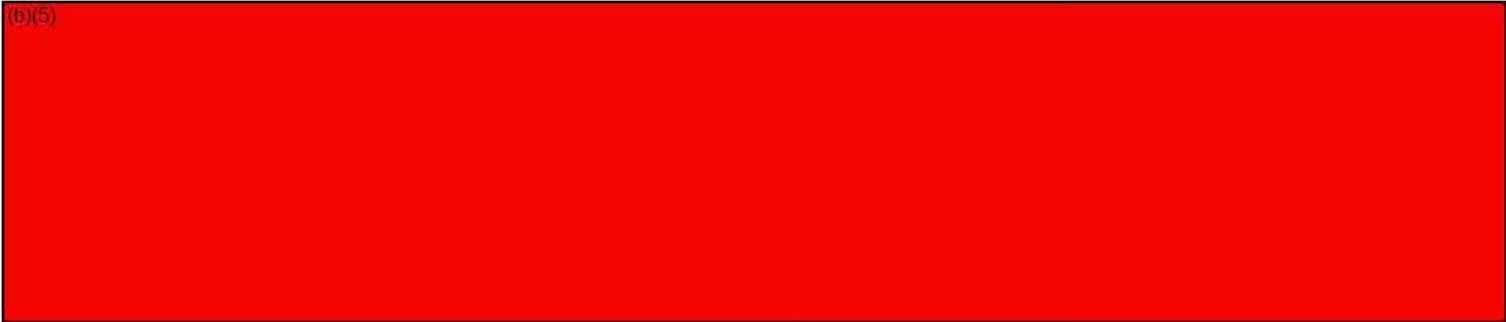
(b)(5)



(b)(5)



(b)(5)



DRAFT

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Thursday, March 31, 2016 3:09 PM
To: Christensen, Gillian; Albence, Matthew
Cc: Miller, Philip T; Gonzalez, Barbara M; (b)(6);(b)(7)(C)
Subject: RE: NYT Editorial: OBG arrests/detention in ATL AOR
Attachments: 16036120.5 OBG Arrest Phase I 03282016.xlsx; FW: OBG Results

See attached, close hold. Email re: the PD instances was manually derived, would appreciate approximations if citing stats.

From: Christensen, Gillian
Sent: Thursday, March 31, 2016 3:04 PM
To: (b)(6);(b)(7)(C) Albence, Matthew
Cc: Miller, Philip T; Gonzalez, Barbara M; (b)(6);(b)(7)(C)
Subject: RE: NYT Editorial: OBG arrests/detention in ATL AOR

of people removed works for me.

I think it may be worth pointing out cases where we exercised PD....if we have some general info about why we did so in certain cases (medical issues, etc).

From: (b)(6);(b)(7)(C)
Sent: Thursday, March 31, 2016 3:03 PM
To: Christensen, Gillian (b)(6);(b)(7)(C) Albence, Matthew (b)(6);(b)(7)(C)
Cc: Miller, Philip T (b)(6);(b)(7)(C) Gonzalez, Barbara M (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: RE: NYT Editorial: OBG arrests/detention in ATL AOR

Gillian – I have the number of removals on hand. Given that there's 336 cases, I'm not sure I can get you the number detained soon though.

From: Christensen, Gillian
Sent: Thursday, March 31, 2016 2:54 PM
To: Albence, Matthew
Cc: (b)(6);(b)(7)(C) Miller, Philip T; Gonzalez, Barbara M; (b)(6);(b)(7)(C)
Subject: FW: NYT Editorial: OBG arrests/detention in ATL AOR

Hey Matt –

Mr. Miller is going to be talking to the NYT this afternoon about OBG-related issues in ATL and NC (see below).

In the meantime, the reporter has asked if we have a breakdown of the 336 individuals arrested as part of OBG (ie: how many have been removed, how many in detention, etc?). Do you have any of that info available? If nothing else, the number of how many folks out of the 336 arrested have been removed would be helpful.

Many thanks!
Gillian



U.S. Immigration and Customs Enforcement

STATEMENT

OF

THOMAS HOMAN

EXECUTIVE ASSOCIATE DIRECTOR
ENFORCEMENT AND REMOVAL OPERATIONS
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON
“Removal of Aliens from the United States in Recent Years”

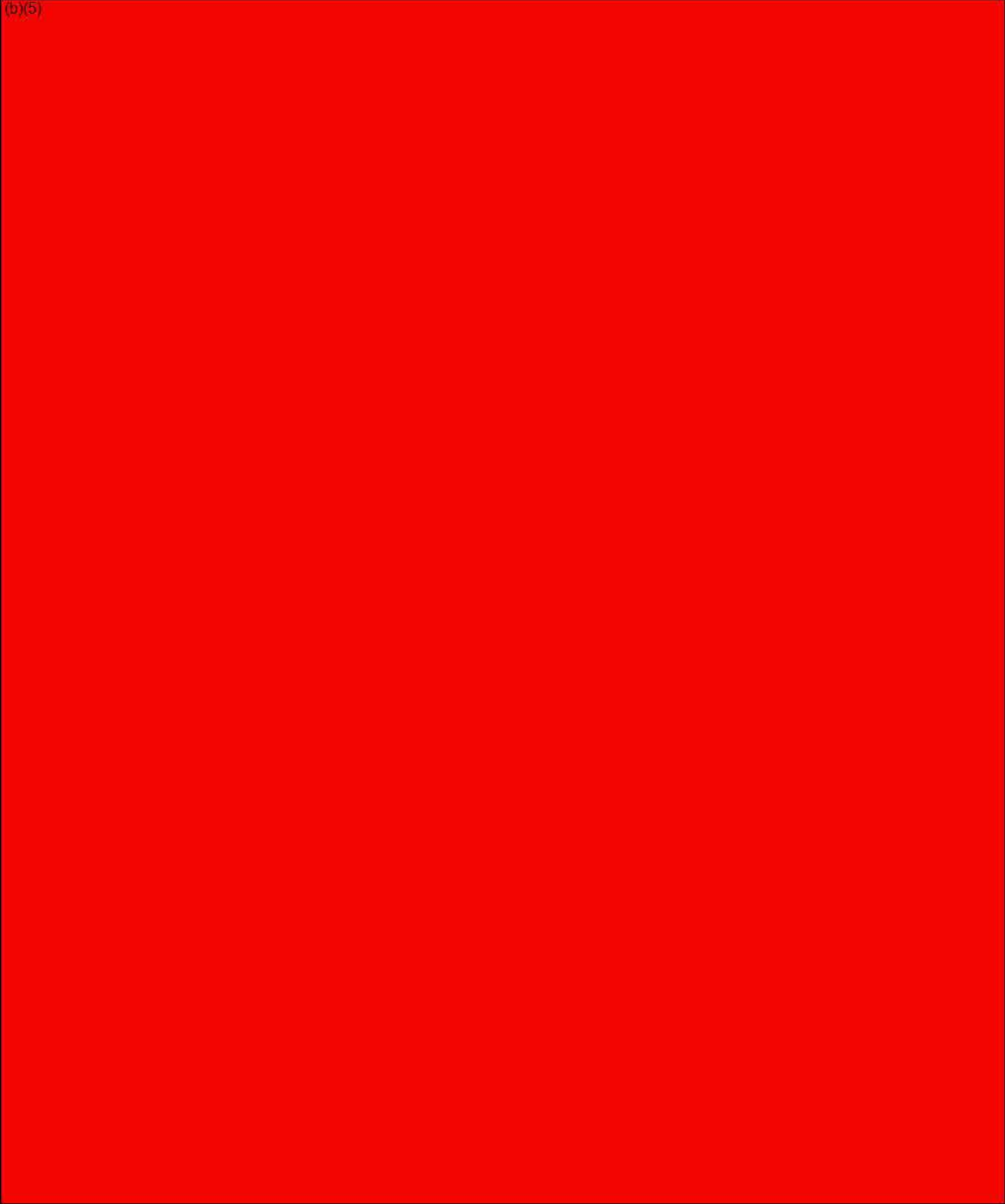
BEFORE THE

U.S. SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND THE NATIONAL INTEREST

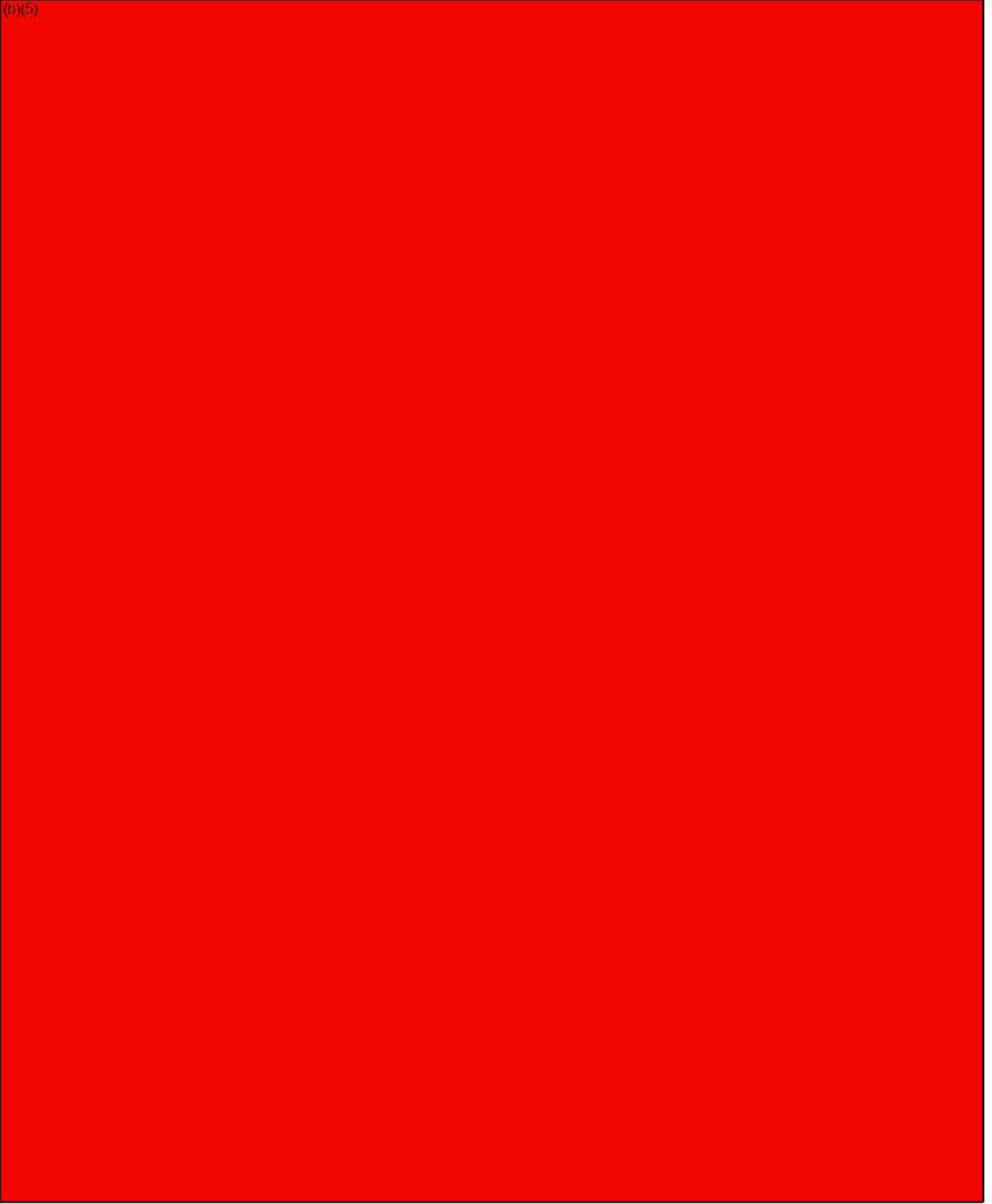
May 19, 2016

INTRODUCTION

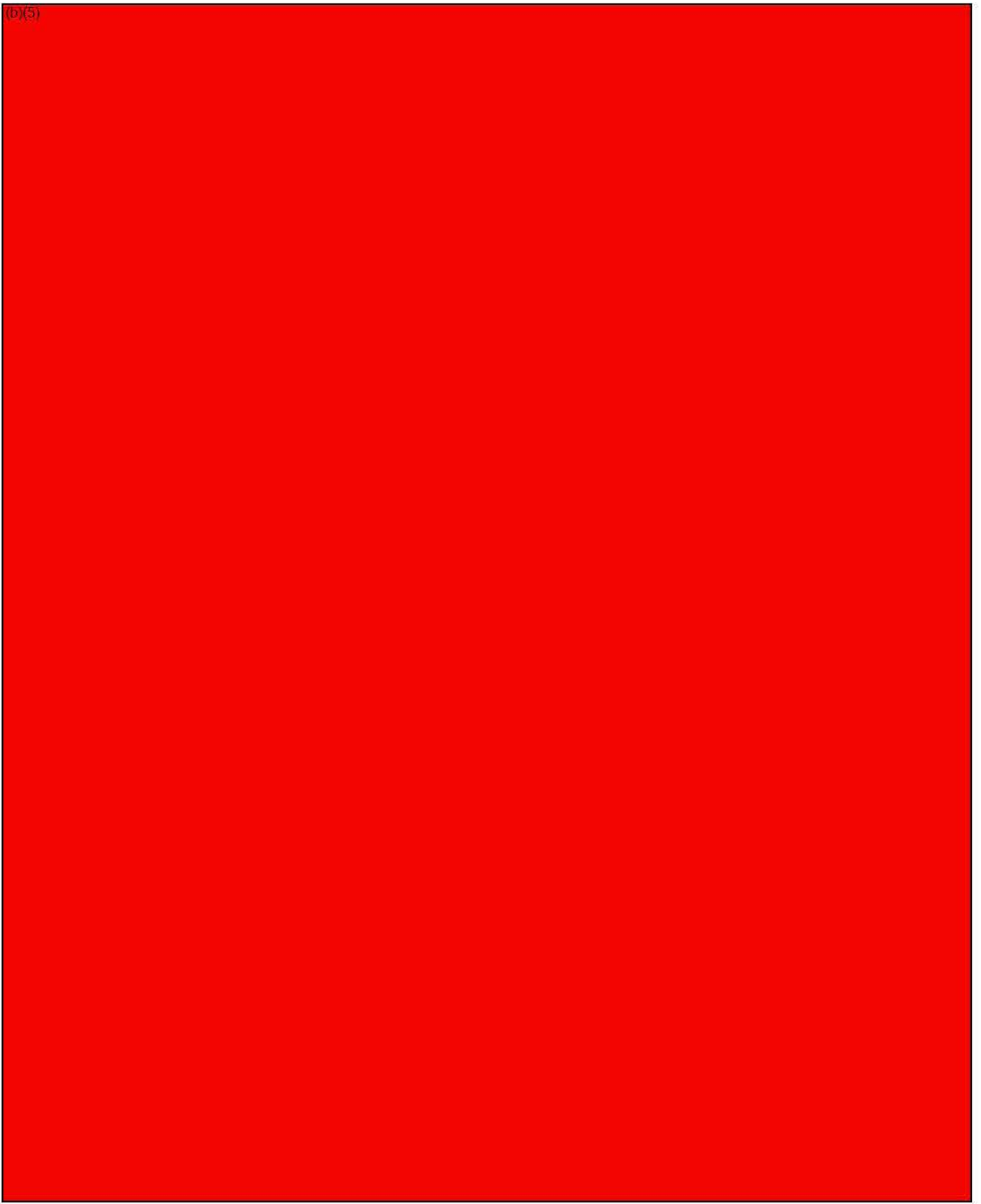
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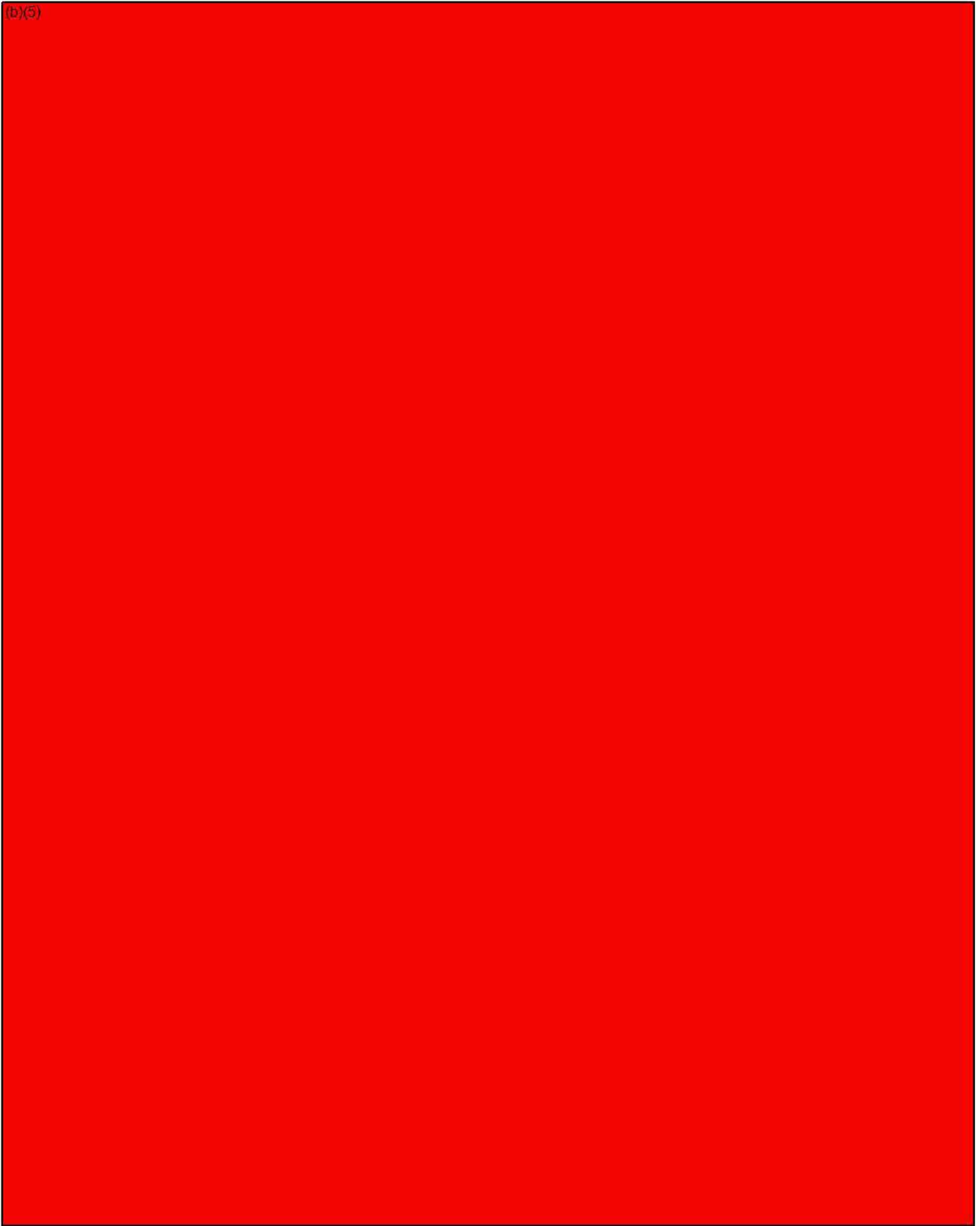
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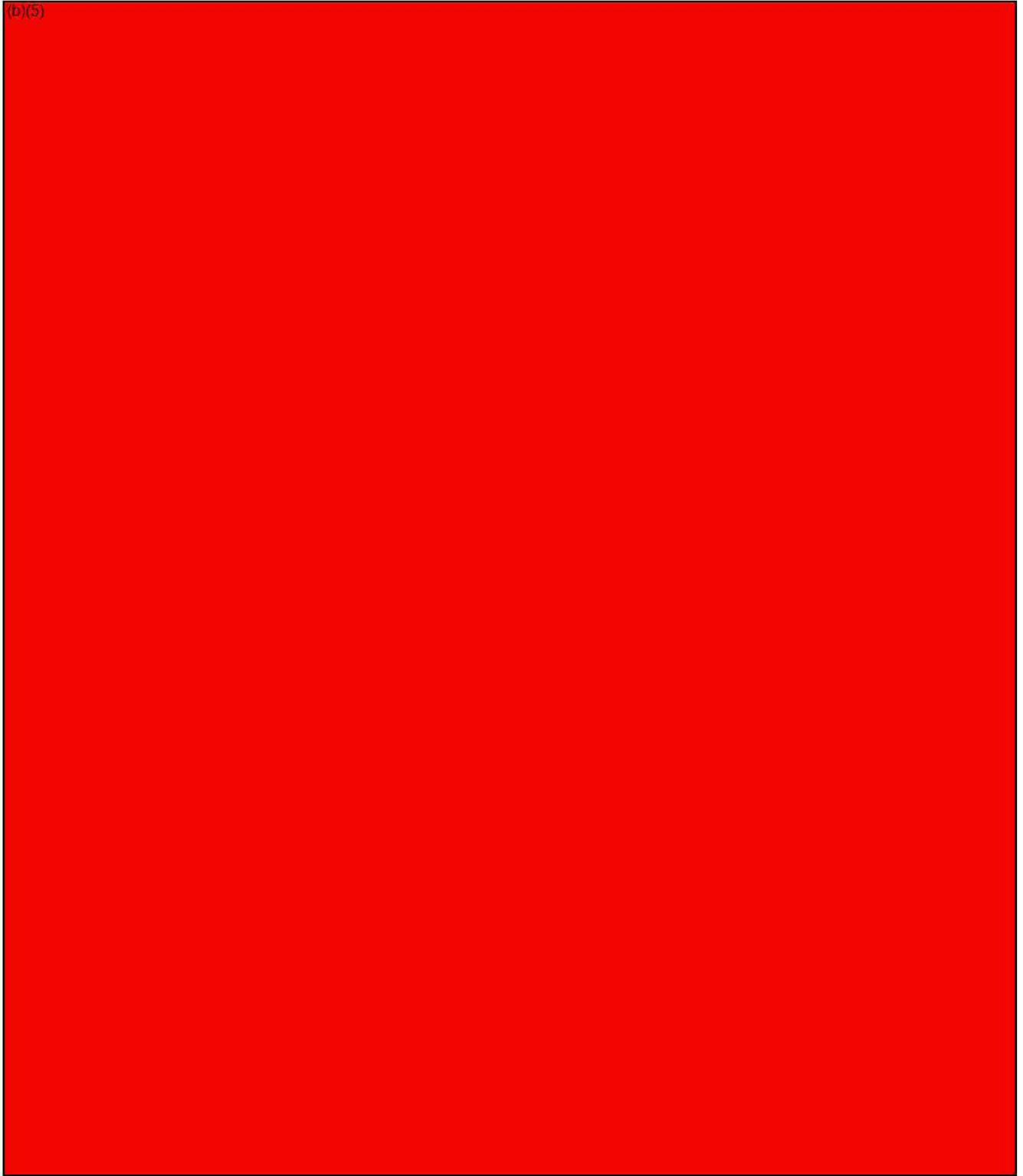
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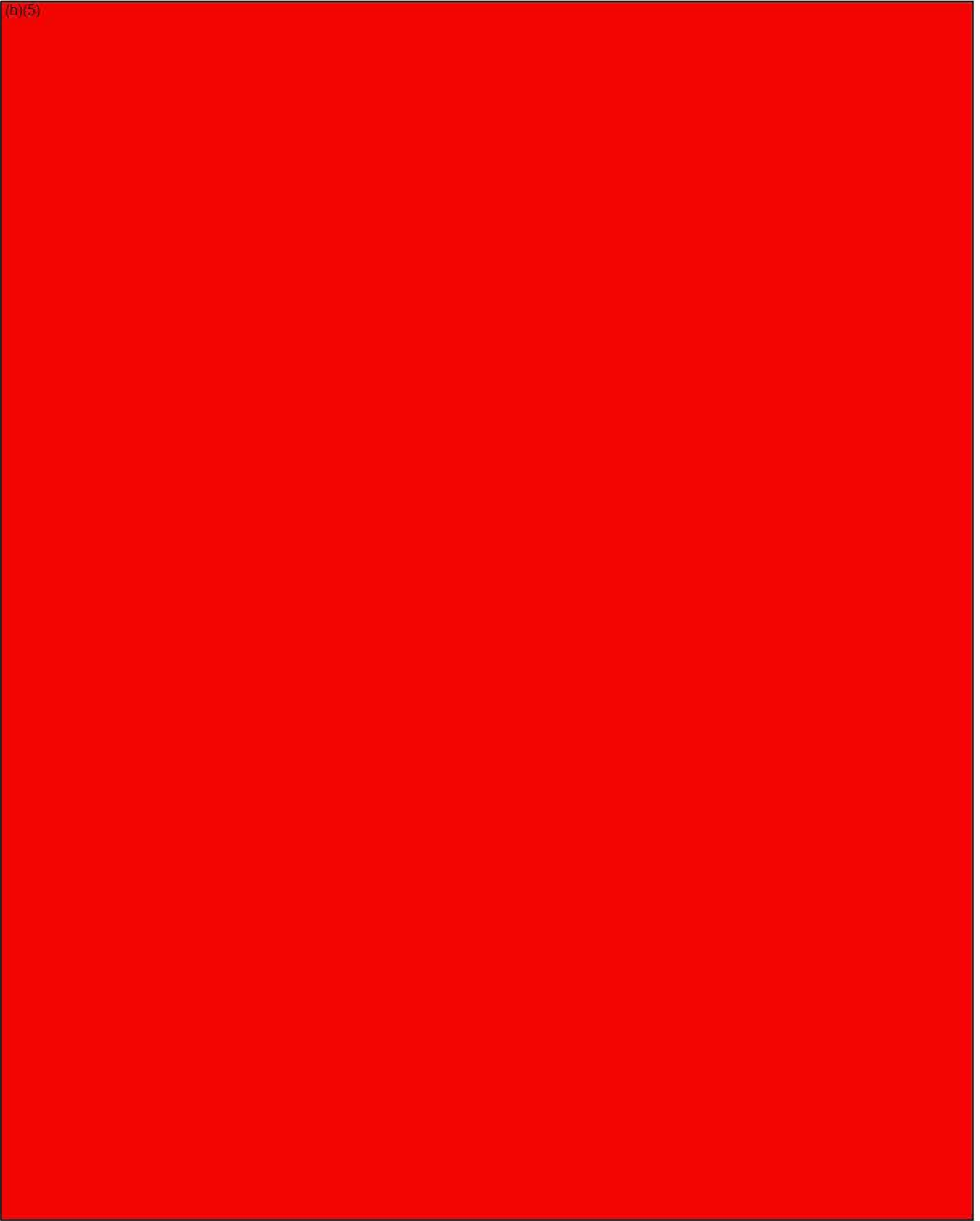
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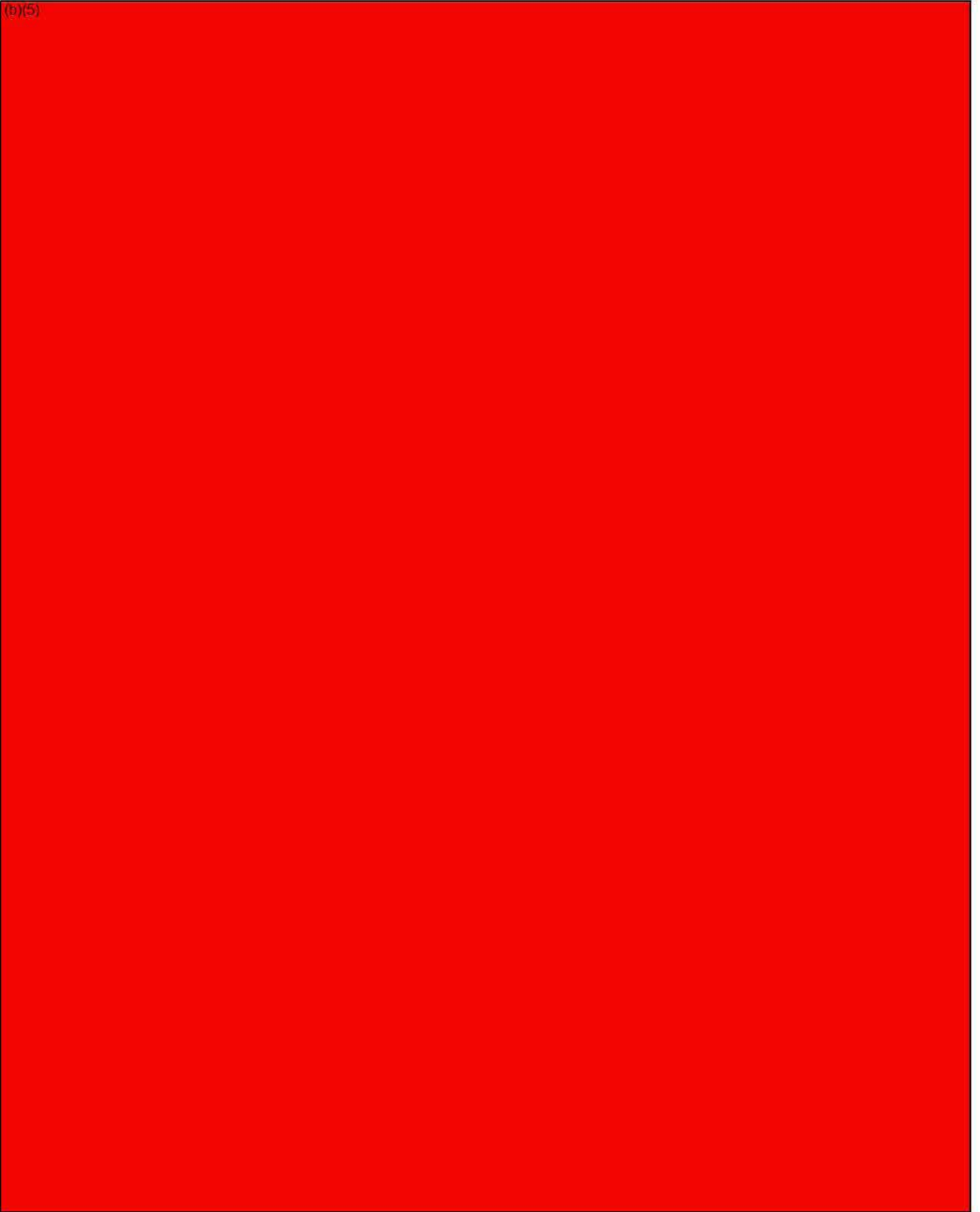
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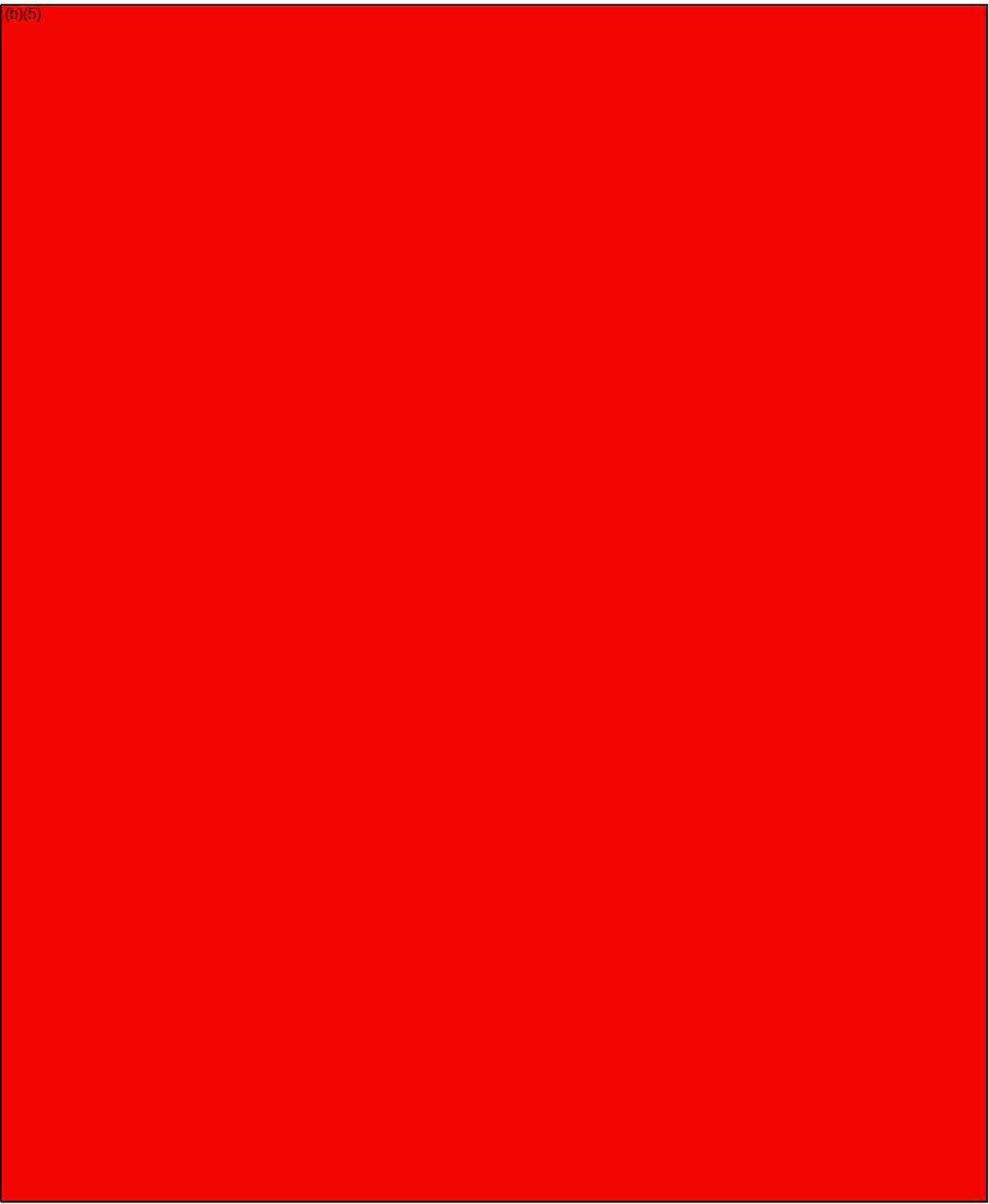
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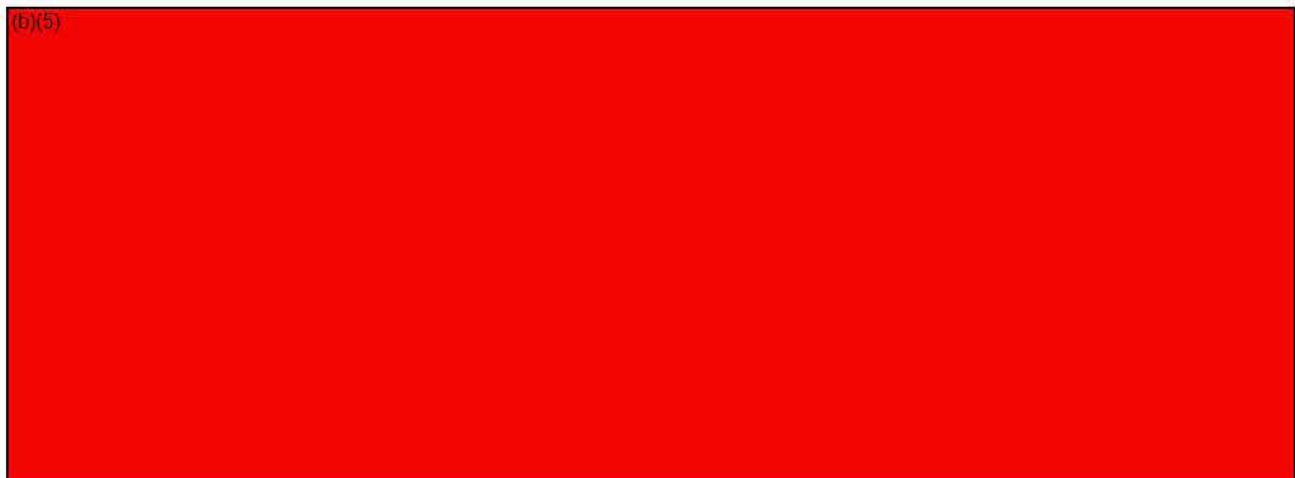


(b)(5)



CONCLUSION

(b)(5)



FNY Field Office **Enforcement Operations Plan**



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
ENFORCEMENT OPERATIONS PLAN:**

1

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Revised 12/21/2011

**Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations**

**ENFORCEMENT AND REMOVAL OPERATIONS
FNY FIELD OFFICE**

**Criminal Alien Program Surge Operation
Dates: May 20, 2012 through May 25, 2012**

I. Situation

The objective of this "Criminal Alien Program (CAP) Surge Operation is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the FNY Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (54)

A total of 54 aliens have been identified and will be targeted during this operation. These targets have been reviewed and approved by the FOD. The targets are comprised of aliens found within ICE Priorities for Enforcement Operations, which includes Criminals, Recedivists, Fugitives, and national security risks. Of the total number of targets for this operation, seventeen are Criminal Offense level (COL-1) Aliens (National Security and Egregious Criminals), twenty one are COL- 2 (Felons), fifteen are COL 3(Misdemeanors), and one is a Fugitives Alien COL 3. No targets are national security risks but are a threat to public safety. Enforcement actions may be taken in this operation for all aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation will be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis.

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B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs and 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs and 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case. All activities will be conducted pursuant to ERO Policy and Procedures governing any enforcement operations. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target list has been exhausted early in the day, consideration will be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The FNY/CAP Enforcement Operations Team(s) will conduct the operation with support from other resources from the FNY Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs): FNY Field Office will conduct the operation with support from local Law Enforcement if needed; Suffolk County Police Department/Nassau County Police Department/NYPD, White Plains Police Department, Peekskill, Police Department, Yonkers Police Department, Mount Vernon Police Department, Spring Valley Police Department, New Paltz, Police Department and Woodstock Police Department. The FOD has committed all necessary resources within their jurisdiction.

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have declined to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing § (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

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E) Local Law Enforcement Agencies (LEAs)

The Enforcement Operations Team (EOT) Supervisory Detention and Deportation Officer (SDDO) or team leader shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved enforcement operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and will be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the EOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction

F) Sensitive Locations and 4th Amendment

Potential EOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations.

All CAP personnel prior to this operation have received 4th Amendment training. 4th Amendment training was conducted in February, 2012 for all CAP personnel and will be given a refresher at the preoperational briefing.

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR)

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with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

No juveniles will be targeted. The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible.

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the EOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the EOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation.

- a. Suffolk County CPS
50 Laser Court, Hauppauge, New York 11788
(631) 853-3100
- b. Nassau County CPS
60 Charles Lindbergh Boulevard, Uniondale, NY
1-800-342-3720

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- c. NYC CPS
115 West 30th St
Ste 1212
NY, NY 10001
- d. Westchester County Department of Social Services
112 East Post Road, 5th Floor
White Plains, NY 10601
1-800-342-3720
- e. Rockland County Department of Social Services
New City, NY
845-364-3300
- f. Ulster County Social Services
Kingston, NY
845-334-5000

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer

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responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification

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and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Assistant Director of Secure Communities and Enforcement (ADSCE) supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "**CAP Surge**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the FNY Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all focused enforcement efforts conducted by and Enforcement Program to target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.
- **CAP Surge:** A focused deployment of CAP resources to conduct an operation that involved incarcerated aliens or those found to be at large after having contact with law enforcement.

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III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to all ERO enforcement policies and procedures.

B) Concept of Operations

The operation will consist of five designated team in the AOR. The teams will consist of Supervisory Deportation Officers (SDDOs) Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP). One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of six days of enforcement activity being executed throughout the FNY AOR from May 20 through May 25, 2012.

- May 17, 2012: Operational briefing at 0900 hours at Castle Point VA Complex, Building #7, Castle Point, NY 12511. All officers participating in the operation will attend the pre-operational briefing.
-
- May 18, 2012: Operational briefing at 0900 hours at 100 Carman Avenue, East Meadow, NY 11544. All officers participating in the operation will attend the pre-operational briefing.
- May 20, 2012 to May 25, 2012: Officers from the FNY CAP will deploy throughout the FNY to initiate arrests at residences and places of employment.
- May 25, 2012: If advisable, the FNY ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

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C) Tasks

1. The coordinating Headquarters program (CAP, or NFOP and the Fugitive Operations Support Center (FOSC)): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP/HQ CAP via submission to the HQ ERO, FUGOPS Mailbox/HQ CAP mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the FNY AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.

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4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to 100 Carman Avenue, East Meadow, NY 11554 and Orange County Jail, 110 Wells Farm Rd, Goshen, NY 10924, for initial processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the FNY FOD.
2. Lodging and per diem: will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to 100 Carman Avenue, East Meadow, NY, 11554, and Orange County Jail, 110 Wells Farm Rd, Goshen, NY 10924, for initial processing. All files will be reviewed by the EOT leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.

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- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The OPLA/ NYC and EOIR/ NYC have been advised and contacted as to the availability to approve stipulated removals during the operation.
- d. EOTs will not *target* non-priority aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan will be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel such as Released on Recognizance or an Order of Supervision.

C) Enforce Processing of removable aliens

- 1. Enforcement will refer to the most recent Processing Guide and any subsequent processing guidance received verbally or in writing from HQ or the Field Office.
- 2. CAP operations targeting at-large criminal aliens or incarcerated aliens will use the operational code "CAP Surge" under operation in the initial screen of Enforce.
- 3. Fugitive Operations will use project code (b)(7) in TECS for all cases presented for prosecution.

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D) General Reporting Requirements

1. Operation plan, whether approved locally or by HQ, will be sent to the HQCAP mailbox prior to the commencement of the operation.
2. Daily Reports: Submitted to the AFOD and HQ NFOP/HQCAP via the HQ FUGOPS/ HQCAP Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet or IIDS/ENFORCE reports for CAP.

Via/Transmisión: E-mail (HQERO, FUGOPS/CAP)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provided statistics prior to validation, the information must be clearly stated to be not validated and subject to change

3. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS) or standard CAP reporting through ENFORCE/IIDS
4. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
5. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated for all Fugitive Operation cases with all EOT arrests from the operation that are to be validated as EOT arrests in ENFORCE by Close of Business (COB) each day.
6. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

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D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on May 29, 2012 at 10:00 am, Carman Ave, East Meadow, NY 11544 and at the ICE/ERO Castle Point VA Complex, Building #7, Castle Point, NY 12511.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Issues/Concerns/Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. FNY ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) is (b)(6);(b)(7)(C) (646) 313-(b)(6)
5. After-action report will be sent to the HQCAP mailbox within 5 business days of completion of the Operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-6020
LESC POC:
FOSC POC:

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Local

AFOD: (b)(6);(b)(7)(C) - 212-863-(b)(6) (office), 973-332-(b)(6) (cell)

Nassau and Suffolk CAP POC:

SDDO (b)(6);(b)(7)(C) 516-572-(b)(6) (office), 347-996-(b)(6) (cell)

CAP Castle Point POC:

SDDO (b)(6);(b)(7)(C) 845-831-(b)(6);(b)(7) (office), 347-996-(b)(6) (cell)

SDDO (b)(6);(b)(7)(C) 845-831-(b)(6);(b)(7) (office), 646-996-(b)(6) (cell)

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Immigration and Customs Enforcement
Enforcement and Removal Operations

APPROVING OFFICIAL

Christopher Shanahan
Field Office Director
FNY Field Office

Attachments: (If applicable)

Attachment 1: Complete Target List

Attachment 2: Supporting Agency Contact Information

Distribution:

HQ CAP

FOSC—Target list only

FOD

DFOD

Operations AFOD

DOCC

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Attachment 1

CAP Surge May 20-25, 2012, ICE/ERO, Long Island, NY Targets

* (Level 1) A# (b)(6);(b)(7)(C) East Meadow/Nassau
* (Level 1) A# (b)(6);(b)(7)(C) Jamaica, Freeport/Nassau
* (Level 1) A# (b)(6);(b)(7)(C) Dominican Republic,
Freeport/Nassau
* (Level 1) A# (b)(6);(b)(7)(C) Jamaica, Freeport/Nassau
* (Level 2) A# (b)(6);(b)(7)(C) India, Bay Shore/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) Dominican Republic,
Hicksville/Nassau
* (Level 2) A# (b)(6);(b)(7)(C) Mexico,
Hicksville/Nassau
* (Level 2) A# (b)(6);(b)(7)(C) Jamaica, Long
Beach/Nassau
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador, Elmont/Nassau
* (Level 1/Probation) A# (b)(6);(b)(7)(C) Jamaica, Bay
Shore/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador,
Westbury/Nassau
* (Level 3 / Final Order) A# (b)(6);(b)(7)(C) El Salvador,
Roosevelt/Nassau
* (Level 1) A# (b)(6);(b)(7)(C) El Salvador, East Patchogue/Suffolk
* (Level 1) A# (b)(6);(b)(7)(C) Bay Shore/Suffolk
* (Level 3/Court Pickup) A# (b)(6);(b)(7)(C) Peru,
Bay Shore/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador,
Brentwood/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador, Huntington Station/
Suffolk
* (Level 1) A# (b)(6);(b)(7)(C) El Salvador, Huntington
Station/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) DR, Port
Jefferson/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) Colombia,
Wyandanch/Suffolk
* (Level 2) A# (b)(6);(b)(7)(C) Ethiopia, Deer Park/Suffolk
* (Level 1) A# (b)(6);(b)(7)(C) El Salvador, Brentwood/Suffolk

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CAP Surge May 20-25, 2012, ICE/ERO, Castle Point, NY

Targets

* (Level 2) A# (b)(6);(b)(7)(C) Brazil, Mount Vernon
* (Level 1) A# (b)(6);(b)(7)(C) El Salvador, Yonkers
* (Level 2) A# (b)(6);(b)(7)(C) Dominican Republic, Yonkers
* (Level 3) A# (b)(6);(b)(7)(C) Trinidad, Mount Vernon
* (Level 1) A# (b)(6);(b)(7)(C) Dominican Republic, White Plains
* (Level 3) A# (b)(6);(b)(7)(C) White Plains
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador, Spring Valley
* (Level 2) A# (b)(6);(b)(7)(C) Haiti, Spring Valley
* (Level 1) A# (b)(6);(b)(7)(C) Jamaica, White Plains
* (Level 2) A# (b)(6);(b)(7)(C) Jamaica, Peekskill
* (Level 2) A# (b)(6);(b)(7)(C) Jamaica, Yonkers
* (Level 1) A# (b)(6);(b)(7)(C) Pakistan, Woodstock

Probation cases

* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 1) A# (b)(6);(b)(7)(C) Dominican Republic,
Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 1) A# (b)(6);(b)(7)(C) Dominican Republic, Westchester
County
* (Level 3) A# (b)(6);(b)(7)(C) Mexico, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Alvaro, Mexico, Westchester
County
* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 2) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 1) A# (b)(6);(b)(7)(C) Mexico, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Peru, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Mexico, Westchester County
* (Level 2) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Guatemala, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Ecuador, Westchester County
* (Level 3) A# (b)(6);(b)(7)(C) Guatemala, Westchester County
* (Level 2) A# (b)(6);(b)(7)(C) El Salvador, Westchester County
* (Level 1) A# (b)(6);(b)(7)(C) Montserrat, Ulster County
* (Level 2) A# (b)(6);(b)(7)(C) Peru, Ossining

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Attachment 2

Child Protective Services (CPS).

- a. Suffolk County CPS
50 Laser Court, Hauppauge, New York 11788
(631) 853-3100
- b. Nassau County CPS
60 Charles Lindbergh Boulevard, Uniondale, NY
1-800-342-3720
- c. NYC CPS
115 West 30th St
Ste 1212
NY, NY 10001
- d. Rockland County Department of Social Services
New City, NY
845-364-3300
- e. Ulster County Social Services
Kingston, NY
845-334-5000

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Department of Homeland Security
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Chicago Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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Department of Homeland Security
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ENFORCEMENT AND REMOVAL OPERATIONS
CHICAGO FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check

Dates: March 13-14, 2016

I. Situation

The objective of Operation “Return to Sender/Cross Check/Secure Streets” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (23)

Twenty-three (23) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by FOD.** The targets are comprised of aliens found within the three tier System of Priorities for Fugitive Operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, One (1) is a Tier 1 Fugitive Alien, three (3) are Tier 2 Previously Removed Aliens, and nineteen (19) are Tier 3 Removable Aliens Convicted of Crimes. All targets fall within the Priority Enforcement Program (PEP) under CIE 1d; 1e; or 2b. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the projected hours for conducting arrests will be from 1300 hrs to 2100 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The **Milwaukee** Fugitive Operations Team(s) will conduct the operation with support from other resources from the FOD Chicago Enforcement and Removal Operations (ERO) Office, as well as the Winnebago County Sheriff's Office. The FOD has committed all necessary resources within their jurisdiction. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities, as well as submitted to the Winnebago County Sheriff's Office for additional de-confliction.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. (**If this is the case, the FOD must be made aware of**

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these circumstances and concur with written justification not to notify the local LEAs.)

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations.

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In

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addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **There is no anticipated enforcement action to be taken against juveniles in this operation.**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **See attachment for local CPS contacts.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247D, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/District Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database.

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Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder,

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predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "**Return to Sender/Cross Check/ Secure Streets**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the **Chicago** Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed

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aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of one (01) designated team in the AOR. The team will consist of members of the Milwaukee FOT. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of two (2) days of enforcement activity being executed throughout the FOD Chicago AOR from March 13, through March 14, 2016.

- March 13, 2016: Operational briefing at 0800 hours at a designated site in Rockford, IL to be determined. All personnel participating in the operation will attend the pre-operational briefing. Team Leaders will individually coordinate telephonically with WCSO personnel, as well as any other personnel unable to attend the meeting.
- March 13, 2016 to March 14, 2016: Officers from the Milwaukee FOT will deploy throughout the Winnebago and Boone County, IL area to initiate arrests at residences and places of employment.
- March 17, 2016: If advisable, the Chicago ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.

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2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is limited or suitable within the Chicago AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **DOCC assistance has not been requested.**

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to the Winnebago County Jail each day for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.

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- b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the **Chicago** FOD.
2. Lodging and per diem: **Lodging and per diem expenses** have been approved and will be funded at the **local** level.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the Winnebago County Jail in Rockford, IL for initial processing. All files will be reviewed by the FugOps team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The **OPLA/CHI** and **EOIR/CHI** have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such

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cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.

- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

Orders of Supervision
Orders of Recognizance

C) General Reporting Requirements

- 1. Daily Reports: Submitted to the AFOD, DFOD, and HQ NFOP via the HQ FUGOPS Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 1800 daily

Period Covered: That day's 24-hour period (1400-1359 hours)

Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provided statistics prior to validation, the information must be clearly stated to be not validated and subject to change

- 2. Weekly Reports: Standard HQ FUGOPS reporting via OM2.
- 3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

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4. Report Format: At the conclusion of field operations, the team leaders will ensure that OM2 is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in EAGLE by Close of Business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.
6. At the conclusion of field operations, a PAO report will be provided to PAO (b)(6);(b)(7)(C) AFODs (b)(6);(b)(7)(C) and DFOD (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on March 15, 2016 at the Milwaukee Sub-Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Chicago ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are listed on Tab A, attachment

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

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General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)
LESC POC:
FOSC POC: DDO (b)(6);(b)(7)(C) 802-657-(b)(6)

Local

AFOD: (b)(6);(b)(7) s (502-625-(b)(6) 502-618-(b)(6);
AFOD : (b)(6);(b)(7)(C) (312-347-(b)(6) 312-735-(b)
SDDO: (b)(6);(b)(7)(C) (414-287-(b) 312-446-(b)(6)

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Revised 12/21/2011

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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Enforcement and Removal Operations Nationwide Return to Sender



LIMITED OFFICIAL USE

HEADQUARTERS APPROVED
OPERATION PLAN

ENFORCEMENT DIVISION

1

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Revised 03/04/2015

Multi-AOR Return to Sender

I. Situation

The objective of this nationwide Return to Sender operation is to apply an organized, methodical approach to the identification, location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, specifically those unaccompanied alien children (UAC) and family units (FAMU) who were issued a final order of removal on or after July 1, 2014, and have failed to depart the United States. These aliens are primarily classified as Priority 3 aliens pursuant to Secretary Johnson's November 20, 2014 memorandum, entitled *Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants*, although a small percentage may also fall into Priority 1 or 2 depending upon criminal history, gang affiliation, or other derogatory information.

On a bi-weekly basis, the Department of Justice, Executive Office for Immigration Review (EOIR), provides Enforcement and Removal Operations (ERO) with an updated list of the UAC and FAMU who have been issued final orders of removal, the vast majority of which were issued *in absentia*.¹ As of February 18, 2015, available data indicates the following:

- UAC
 - 5507 final orders of removal (EOIR data)
 - 688 removals (reflected in the ENFORCE Alien Removal Module (EARM))
- FAMU
 - 9015 final orders of removal (EOIR data)
 - 164 removals (reflected in EARM)

In accordance with the Department of Homeland Security's (DHS) priorities, this operation will seek to execute these removal orders to provide deterrence to future UAC and FAMU illegal migration, and to uphold the integrity of border controls and immigration laws. However, enforcement action involving UAC and FAMU requires special handling and consideration to ensure that custody and care is safe and humane, and that the civil liberties and special protections afforded to children are steadfastly preserved. Additionally, it is expected that many of these UAC/FAMU will be residing with not only United States citizens, but also removable aliens who have never been encountered by DHS.

¹ In light of the fact that a significant number of these removal orders were entered *in absentia* against UACs, it is likely that upon being encountered by ERO, a number of these individuals will seek to have their removal proceedings reopened by the immigration judge and their removal stayed, ultimately limiting the number of executable removal orders at issue. Non-governmental organizations (NGO) have previously raised concerns with the validity of *in absentia* removal orders issued against UACs.

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This operation will occur in all twenty-four ERO field offices. The headquarters ERO Enforcement Division, National Fugitive Operations Program (NFOP), will coordinate this operation. This operation will utilize Fugitive Operations Teams (FOT) from each field office, as well as officers and agents from Alternatives to Detention (ATD) and the Criminal Alien Program (CAP). Field Office Directors (FOD) will assign additional resources to pursue these cases as operational needs and priorities allow.

Prior to and throughout the course of the operation, the ICE Fugitive Operations Support Center (FOSC) will leverage all analytical and technological assets to develop viable information on the location of these subjects. Teams will evaluate lead information to prioritize and identify criminal aliens that pose a threat to public safety. Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 U.S.C. § 1326 and 8 U.S.C. § 1253. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum from Marcy Forman, former Office of Investigations Director and John Torres, former Detention and Removal Operations Director, entitled, *DRO/OI Protocols*.

This operation will be ongoing for the remainder of fiscal year 2015 and be executed concurrently across all affected ERO field offices.

A) Targeted Aliens – (5507 UAC and 9015 FAMU²)

FODs will utilize available enforcement resources, to include FOTs, ATD, non-detained, and CAP units to locate these fugitives.

Unlike other HQ-directed operations, the vast majority of this population will not possess the "footprint" that FOSC utilizes to develop detailed lead referrals. Consequently, each field office will periodically receive a list of the targeted aliens believed to be residing within their AOR, based upon the EOIR hearing location. Each field office should also coordinate with their local juvenile coordinator (FOJC) when targeting these fugitives and leverage their assistance. In those instances in which a target has criminal indicators, the FOSC will specifically identify this individual to the receiving field office and provide a targeting package.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation who are determined to be removable and meet a DHS enforcement priority, as provided in this operation plan. If safe to do so, non-targeted aliens encountered during the operation should be checked for

² As of February 18, 2015. The number of targets will continually change as EOIR provides ERO additional data.

criminal and immigration histories while at the arrest location or taken to an ERO office, where probable cause for arrest exists, and checked as quickly as possible. These individuals will be handled in accordance with Secretary Johnson's November 20, 2014 executive action memoranda, and appropriate charging and detention decisions should be made on a case-by-case basis.

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives. Team members will conduct necessary pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 0600hrs to 2200hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600hrs or after 2200hrs, unless the FOD has reviewed the case and given approval based on a specific justification. However, no approval will be provided to attempt entry into a residence prior to 0600hrs or after 2200hrs. All activities will be conducted pursuant to ICE, ERO, and NFOP policies and procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

C) Local Situation

The FOTs will be responsible for the overall conduct of the operation. However, the ATD units will be responsible for those cases in which the targeted alien(s) or a family member was enrolled in the ATD program, whether it is a pre- or post-removal order. Due to the limited field office resources available for this operation, the FODs will assign these cases in a manner consistent with their operational capabilities.

During this ongoing operation, FOTs and other ERO units conducting at-large enforcement activities will continue to develop and respond to leads for other priority aliens, including convicted criminals. While this operation directs resources toward these Priority 3 targets, FODs must ensure that enforcement resources are available to target Priority 1 and 2 cases concurrently with this operation. Other surge operations (e.g., Cross Check) may be planned and executed while this Return to Sender operation is ongoing, requiring FODs to realign resources accordingly, consistent with the priority levels of the target populations.

D) Operational De-Confliction

The target list will be queried in TECS utilizing (b)(7)(E) to ensure de-confliction with Homeland Security Investigations (HSI) and other law enforcement entities. Each FOD will inform their respective HSI Special

Agent in Charge (SAC) of the operation and offer them the opportunity to participate.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall coordinate their investigative and enforcement activities with local LEAs, as appropriate. Given the nature of this target population, this may include juvenile probation or youth correctional authorities.

F) Sensitive Locations and 4th Amendment

Potential enforcement activities near sensitive locations as defined in the October 24, 2011 memorandum from John Morton, former ICE Director, entitled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of the memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and the AD for Field Operations or the ERO EAD according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by their respective Office of the Chief Counsel (OCC) prior to the operation, as is the case with national operations.

G) Community Issues or Politically Sensitive Issues

HQ ERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

It is anticipated that this operation will generate a significant amount of public attention—much of it negative—from NGOs, community groups, and the media. As a result, extensive pre-operation coordination between HQ ERO, OPA, OCR, the Juvenile and Family Residential Management Unit (JFRMU), and the Custody Management Division will occur. Additionally, OPA will prepare a media plan for the FODs to use in response to the media inquiries expected to occur from this operation.

With officer and public safety remaining the overarching concerns, officers must also be cognizant of the sensitivity of this operation. Accordingly, they must ensure they maintain a professional demeanor at all times, especially during highly stressful situations involving members of the community and the media. Any media inquiries must be referred to the local OPA representative.

H) Juveniles

Due to the makeup of the targeted population, it is expected that the ERO officers will encounter a significant number of juveniles—be they targets, other undocumented individuals present at the targeted locations, or U.S. citizens. The presence of non-targeted juveniles at a location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action.

In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations. Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE Policy No. 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

Officers will limit contact with any non-targeted juveniles to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible.

If non-targeted UAC are encountered, the FOJC will be contacted. In addition, the Office of Refugee Resettlement (ORR) will be notified at (202) 401-5709 upon completion of processing for appropriate cases by the FOJC.

In the event that non-targeted juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate

contact numbers, to be used as necessary throughout the entirety of the operation. **List agency names, contacts and phone numbers here or see attachment.**

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, *may* be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

Specific factors relating to the handling of juveniles and families is included with this operation plan (Addendum A). The FOJC or National Juvenile Coordinator should be contacted for recommendations on how to proceed.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the USAO/State Attorney's Office as appropriate. If the case is accepted for prosecution, a Form I-247, Detainer – Notice of Action, will be filed with the agency assuming custody of the alien. If the USAO/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the Form I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are present, to include a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.

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- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

This nationwide Return to Sender operation is a targeted, organized, methodical approach to the identification, location and arrest of fugitive UAC and FAMU that were ordered removed or granted voluntary departure with which they failed to comply since July 1, 2014.

Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS's immigration enforcement priorities. The objectives of these priorities are national security, border security, and public safety.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the 24 ERO field offices. The teams will consist of members of the 129 FOTs, ATD, CAP, and other available enforcement resources. The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

Throughout the course of this operation, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. If operationally feasible to do so, liaison will be established with LEAs in the areas in which enforcement efforts will be conducted.

The success of this operation is largely dependent upon ERO being able to obtain location information on the targets and/or their sponsors, which in many cases, is expected to be minimal and/or inaccurate.

The heightened sensitivities surrounding an operation of this nature will create an increased risk of *Bivens* exposure and allegations of Constitutional violations beyond that which ERO officers normally encounter when enforcing administrative warrants. Officers must take particular care to ensure all operations are conducted in accordance with all pertinent ICE policies.

Officers will also be required to do the following during the course of the operation:

- Take the requisite steps to obtain a travel document at the time of encounter, to include all necessary interviews, photos, paperwork, and the review of any identification documents in possession by the targets. This process will occur at a location determined by the arresting officers to provide the necessary officer and public safety protections. Cooperation on the part of the alien will be required pursuant to any subsequent case determinations or release from custody.
- In cases where unsafe or dangerous conditions are observed, the officers will follow existing policy for the handling of juveniles.
- Non-targets encountered during location efforts who meet DHS enforcement priorities will be arrested, including criminal aliens and priority immigration violators found in the households of targeted individuals, consistent with ICE's public safety mission.

Targeting

As mentioned previously, the paucity of information on these aliens differentiates this operation from other national operations and prevents the development of lead packages for the field offices. As such, FODs are directed to work these cases in a manner consistent with the public safety risk posed by the alien, as well as the likelihood of success in finding him/her. The FOOSC will continually leverage all analytical and technological assets to identify any new criminality information on the targets.

It is likely that those individuals on ATD will be easier to locate. As such, ATD units are instructed to review their dockets and take the appropriate actions to enforce the removal orders, which may include "call-ins" as well as at-large arrests. In order to execute these orders, the detention of these FAMU will be essential. All efforts will be made to detain the FAMU intact in the appropriate family residential center. However, due to the limited amount of family bed space, including the lack of family beds for male heads of household. The detention of one of the parents/caregivers in a separate facility may be necessary.

In situations in which detention of the entire FAMU is not feasible due to humanitarian or medical concerns, it is possible that only one of the adult family members will be detained, or, in the alternative, no detention will be required. In these circumstances, the FAMU will be issued a Form G-56 requiring their surrender for removal at a date and time to be determined by the local field office management.

In those cases in which a Form G-56 is issued, the issuing officer must properly document issuance and track compliance within EAGLE. ERO is required to report on several metrics relating to G-56s for this operation (number issued, appearance rates, etc.), and the ERO Law Enforcement Systems and Analysis (LESA) Division has developed a step-by-step processing guide for these cases, which is attached to this operation plan (Addendum B). Additionally, these cases must be processed in EAGLE under the following operation code: National Return to Sender.

Also imperative for this operation will be the identification and active tracking of UAC detained in secure ORR facilities. By virtue of their assignment to these facilities, these individuals have proven themselves to be public safety threats, and as such, upon learning that the individual is the subject of a final order of removal, ERO will immediately begin efforts to obtain any necessary travel documents while the alien is in ORR custody. Only after receipt of any necessary travel documents and coordination of transportation will ERO take custody of these individuals from ORR for removal.

C) Tasks

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Revised 03/04/2015

1. The NFOP and FOSC: A copy of the Operational Plan will be sent to the FOSC and NFOP via the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days per week and will provide support to ERO personnel conducting operations. All officers/agents participating in the operation should have the contact number for the LESC: 802-872-6020. When calling the LESC, officers should be prepared to provide their individual LESC officer ID number.

Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, if utilized during the operation, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. Because of the possibility of NGO or outside objectors attempting to intervene and/or prevent any necessary enforcement action, FODs will ensure that arrest teams have enough personnel to provide adequate perimeter security and support. This will ensure the safety of the officers, as well as the targets and household members with whom officers may be interacting.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing. All families should be transported

together in the same vehicle and should only be separated where absolutely necessary for officer safety or safety of the alien(s).

- a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses **will not be provided by HQ** for this operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the FOD level.
3. Removal efforts: Pursuant to ERO's goal of expeditiously removing all aliens with final orders, the below actions will be performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the appropriate supervisory personnel for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. To the extent possible, FODs will work with the local OCC and EOIR to ensure their availability to approve stipulated removals during the operation.

- d. FOTs will not *target* aliens outside the scope of this operation, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action, in accordance with existing policy. In addition, aliens who fall within separate priorities and targeting parameters may be targeted as part of daily operations or a separate surge operation, as appropriate, which may take precedence over Return to Sender cases due to the specific public safety and/or national security risks posed by the targets.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. ALL entries in EAGLE pursuant to this operation will use "National Return to Sender" in the operational dropdown on the initial event screen.
2. ALL (b)(7)(E) entries pursuant to this operation will use "Return to Sender" in the operational dropdown on the arrest screen.
3. Weekly Reports: Standard HQ FUGOPS reporting via OM2.
4. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR) will need to be submitted in accordance with existing policy as well as for any arrests of these targets in which any incidents or media or NGO activity occurred during the encounter, and the custody disposition(s) incident to arrest. The reports will be titled "National Return to Sender Arrest Incident."
5. Report Format: All arrests relating to this operation must be entered into OM2 and validated in EAGLE.

D) Reporting Requirements

1. LESA is currently developing the reporting metrics for this operation.
2. OPA will coordinate with ERO headquarters to generate a media response plan. Local OPA POCs will be briefed on this operation and work with their respective FODs to respond to media queries.

E) Command and Control

1. Primary means of communication will be via radio, telephone, and email.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-6020
LESC POC:
FOSC POC:

Local

AFOD:
SDDO:

AUTHORIZING OFFICIAL


Matthew T. Albence
Assistant Director/Enforcement

ATTACHMENTS: (If applicable)

- Attachment 1: Target List, if available.
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List

DISTRIBUTION:

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Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

ChicagoField Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

1

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Revised 12/21/2011

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

ENFORCEMENT AND REMOVAL OPERATIONS
Chicago FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check
Dates: January 27-31, 2014

I. Situation

The objective of Operation "Return to Sender/Cross Check/Secure Streets" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (35)

Thirty-five (35) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by FOD.** The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, two (2) are tier 1 fugitive aliens, eleven (11) are tier 2 previously removed aliens, and twenty-two (22) are tier 3 removable aliens convicted of crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The **St. Louis** Fugitive Operations Team(s) will conduct the operation with support from other resources from the **St. Louis** Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs). The FOD has committed all necessary resources within their jurisdiction. (See TAB A for LEA breakdown)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is impractical, then affected agencies should be notified as soon as possible

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thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(No sensitive locations will be targeted during this operation)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with

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juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(There are no juveniles targeted for arrest during this operation.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **A list of agency names, contacts and phone numbers has been included in TAB A.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

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ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy

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designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Return to Sender/Cross Check/ Secure Streets" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

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The operation will consist of four (4) designated teams in the AOR. The teams will consist of members of the St. Louis FOTs; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained and non-detained sections of St. Louis ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of five (5) days of enforcement activity being executed throughout the Chicago AOR from, January 27, 2014 through January 31, 2014.

- January 24, 2014: Operational briefing at 1300 hours at the St. Louis ERO Office. All officers participating in the operation will attend the pre-operational briefing.
- January 27, 2014 to January 31, 2014: Officers from the St. Louis FOTs will deploy throughout the St. Louis area to initiate arrests at residences and places of employment.
- January 31, 2014: If advisable, the Chicago ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.

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3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the Chicago AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **The DOCC has been provided a copy of this Operational Plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.**

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to St. Louis for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Chicago FOD.

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2. Lodging and per diem: Lodging and per diem expenses will be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the St. Louis ERO Office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. The OPLA and EOIR/Chicago have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with

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supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

Orders of Supervision and Enhanced Supervised Reporting.

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 1800 daily

Period Covered: That day's 24-hour period (1400-1359 hours)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Operations Case Management Module (OM2).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.

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5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on **January 31, 2014** at the **St. Louis FOT office**.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. **Chicago** ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. **ICE Public Affairs** contact number(s) are: (312) 347-2210 or cell (312) 446-7872.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)(f)
LESC POC:
FOSC POC: (b)(6);(b)(7)(C) (802) 657-(b)(6)

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Local

AFOD: (b)(6);(b)(7)(C) 502) 625- (b)(6)
SDDO: (b)(6);(b)(7)(C) (314) 244- (b)(6)

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APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Tab A

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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CHI Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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**ENFORCEMENT AND REMOVAL OPERATIONS
CHI FIELD OFFICE**

**Cross Check / Return to Sender
Dates: November 19 – 21, 2013**

I. Situation

The objective of Operation “Cross Check/Return to Sender” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the CHI Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (30)

Thirty (30) aliens have been identified and will be targeted during this operation. These targets have been reviewed and approved by the Chicago FOD. The targets are comprised of aliens found within the three tier System of Priorities for Fugitive Operations, which includes ICE fugitive aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, Thirteen (13) are Tier 1 Fugitive Aliens, Two (2) are Tier 2 Previously Removed aliens, and Fifteen (15) are Tier 3 Removable Aliens Convicted of Crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct

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necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the Chicago FOD has reviewed the case, and given approval based on specific justification for each case. All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0500 hrs and 1800 hrs. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The INP Fugitive Operations Team will conduct the operation with support from other resources from the INP Enforcement and Removal Operations (ERO) Office. The FOD has committed all necessary resources within their jurisdiction.

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and will not be participating. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction.

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F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations.

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible.

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If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation.
(See Tab A)

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

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ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy

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designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Return to Sender/Cross Check" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the CHI Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

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B) Concept of Operations

The operation will consist of four (4) designated teams in the Chicago AOR. The teams will consist of members of the INP FOT; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the INP Criminal Alien Program (CAP). One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activity being executed throughout the CHI AOR from November 19, 2012 through November 21, 2012.

- November 18, 2012: Operational briefing at 1400 hours at the INP ERO Office. All officers participating in the operation will attend the pre-operational briefing.
- November 19, 2012 to November 21, 2012: Officers from the INP FOT and CAP Units will deploy throughout the Indianapolis Metropolitan area to initiate arrests at residences and places of employment.
- November 22, 2012: If advisable, the CHI ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents

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participating in the operation have the contact number for the LESC: 802-872-6020.

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Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to the Indianapolis ERO Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Fugitive Operations AFOD with concurrence from the CHI FOD.

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2. Lodging and per diem: Lodging and per diem will not be required for this operation.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the Indianapolis ERO Office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The OPLA/CHI and EOIR/CHI have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at

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all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the OM2 is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by Close of Business (COB) each day.

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5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will hold an after action meeting on November 22, 2012 at the ERO Indianapolis office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. HQ ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are available as needed.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)
LESC POC:
FOSC POC: (b)(6);(b)(7)(C)

Local

AFOD:
SDDO: (b)(6);(b)(7)(C)

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APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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St Paul Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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Revised 07/19/2010

Department of Homeland Security
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**ENFORCEMENT AND REMOVAL OPERATIONS
ST. PAUL FIELD OFFICE**

Operation Return to Sender/Secure Streets/Cross Check

Dates: December 7-9, 2010

I. Situation

The objective of Operation “Return to Sender/Cross Check” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the St. Paul Field Office Area of Operational Responsibility (AOR).

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (36)

Thirty-six (36) aliens have been identified and will be targeted during this operation. The targets comprise of aliens found within the three Tier System of Priorities for Fugitive Operations; which includes ICE Fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, thirty-three are Tier 1 Fugitive Aliens, one is a Tier 2 Previously Removed Alien, and two are Tier 3 Removable Aliens Convicted of Crimes. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 and 2200.

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C) Local Situation

The **Des Moines** Fugitive Operations Team(s) will conduct the operation with support from other resources from the **Des Moines and Cedar Rapids** Enforcement and Removal Operations (ERO) Office. The FOD has committed all necessary resources within their jurisdiction. **(See attached Excel spreadsheet for Team and LEA breakdown)**

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have **declined** to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing **(b)(7)(E)** to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction.

F) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. **This operation may result in negative community response due to area being designated a "Sanctuary City" or other social / political issues currently taking place.**

G) Juveniles

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The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a plan of care for the juveniles will be addressed prior to the commencement of operations. **No juveniles are being targeted for this operation.**

If unaccompanied alien juveniles are encountered, contact your local juvenile coordinator for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation, **Iowa Department of Human Services, (515) 281-4461**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in file.

I) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph

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any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The agent(s) conducting the arrest will determine whether indications of association are present.

II. Mission.

Operation "**Return to Sender / Cross Check**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the **St. Paul** Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Execution

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A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Handbook. The primary mission of the National Fugitive Operations Program is to reduce the backlog of ICE fugitives throughout the United States. The National Fugitive Operations Program additionally focuses resources to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of three designated arrest teams in the AOR. The teams will consist of members of the Des Moines FOTs; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained / non-detained sections of Des Moines and Cedar Rapids ERO. One DO will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three days of enforcement activity being executed throughout the St. Paul AOR from December 7, 2010, through December 9, 2010.

Phase I: December 6, 2010: Operational briefing at 1300 hours at the Des Moines FOT office. All officers participating in the operation will attend the pre-operational briefing.

Phase II: On December 7, 2010 through December 9, 2010 Officers from the Des Moines FOT will deploy throughout the Cedar Rapids and Waterloo area to initiate arrests at residences and places of employment.

Phase III: December 10, 2010: If deemed necessary, the St. Paul ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

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C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ Fug Ops Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that you provide all officers/agents participating in the operation the contact number for the LESC.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the St. Paul AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. The DOCC has been provided a copy of this Operational plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance:

D) Safety and Logistics

Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.

1. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
2. No training will be necessary prior to this operation.
3. Primary processing location: All detainees will be transported to Cedar Rapids for processing.

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- a. Secondary detention and processing site(s) to be determined as needed.
- b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the **St. Paul** FOD.

4. Logistics.

- a. **Lodging and per diem expenses will** be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local** level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.**
- b. No health & safety inspection required for any facility or equipment being utilized for this operation.
- c. No contracts need to be reevaluated.

5. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:

- a. Once arrested, all detainees will be transported to the **Cedar Rapids and Des Moines ERO offices** for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The **OPLA** and **EOIR** have

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been advised and contacted as to the availability to approve stipulated removals during the operation.

- d. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.
Such as Orders of Supervision and Electronic Monitoring when necessary.

E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ Fug Ops Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQDRO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN / Significant Incident Report (SIR) / Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by Close of Business (COB) each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on December 10, 2010 at the Des Moines ERO Office.

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2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. **St. Paul** ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. **ICE/ERO PAO**
(b)(6);(b)(7)(C) (952) 853- (b)(6);

G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

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Enforcement and Removal Operations

APPROVING OFFICIAL

Scott Baniecke
Field Office Director
St. Paul Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List

Attachment 2: Supplemental Information

DISTRIBUTION:

HQ NFOP

FOSC

FOD

DFOD

Operations AFOD

DOCC

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Enforcement and Removal Operations **Operation Cross Check VI**



LIMITED OFFICIAL USE

**HEADQUARTERS (HQ) APPROVED
OPERATION PLAN**

ENFORCEMENT DIVISION

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Revised 1/29/2015

OPERATION CROSS CHECK VI

Dates: March 1 - March 4, 2015

I. Situation

The objective of National Operation Cross Check VI is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities. This operation will occur in all 24 ERO Field Office Areas of Operational Responsibility (AORs), consistent with the Department of Homeland Security's (DHS) immigration enforcement priorities.

Operation Cross Check VI will utilize the 129 Fugitive Operations Teams (FOTs) located within the 24 AORs, resources from Criminal Alien Program (CAP) and Detained/Non-Detained units, and agents from corresponding ICE Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices across the country.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens and public safety threats. Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 USC 1326 and 8 USC 1253. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum, DRO/OI Protocols. ERO will also collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of this operational plan, Field Office Directors (FOD) will collaborate with each USAO in their respective AORs to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FODs are directed to coordinate with local SACs, as well as other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. FODs should coordinate with the United States Marshals Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners. Arrangements should be made with the USMS to ensure space requirements and coordinate initial appearances. Local probation and parole offices should be consulted in target development and 4th Amendment waiver considerations during operations.

This operation will consist of four (4) days of enforcement activity executed simultaneously across all 24 ERO field offices from March 1 - March 4, 2015.

The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Director (AD) for Enforcement, and the Field Office Directors (FODs) have been briefed on this operational plan and support its execution.

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Revised 1/29/2015

A) Targeted Aliens – (3,225¹)

The 129 FOTs will target approximately 3,225 at-large criminal aliens and public safety threats nationwide (25 targets per team). Teams will generate target lists of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities.

Cross Check VI Targets are restricted to Priority 1 and Priority 2 as outlined in the November 20, 2014, memorandum issued by Secretary Jeh Johnson titled, "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants:"

- *Priority 1* – threats to national security, criminal street gang members, convicted felons, and aggravated felons; and
- *Priority 2* – convictions for 3 or more misdemeanors or convictions for significant misdemeanors.

By 5:00 PM EST on February 12, 2015, each field office will compile a list of eligible targets, which the FOD must review and approve, prior to submission to the Fugitive Operations Support Center (FOSC) and NFOP for review. Once approved by HQ, the final lists will be disseminated to the respective FODs.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet DHS enforcement priorities, as provided in this operation plan. If safe to do so, and there is articulable reason to believe that the non-targeted aliens encountered during the operation are in the United States unlawfully, immigration and criminal history checks should be conducted while at the arrest location or at a local ERO office. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made consistent with Secretary Jeh Johnson's November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, on a case-by-case basis. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 6:00 AM to 10:00 PM local time, the team leader(s) will determine the actual duty hours within these timeframes. No operation will begin prior to 6:00 AM or after 10:00 PM, unless the FOD has

¹ Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

reviewed the case and given approval based on specific case justifications. However, no approval will be provided to attempt entry into a residence prior to 6:00 AM or after 10:00 PM **(see attachment)**. All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

The 129 FOTs will conduct the operation with other resources from local CAP and Detained/Non-Detained units, as well as from local LEAs. The FODs must commit all available resources within their jurisdictions. **(See attached Excel spreadsheet for Team and LEA breakdown)**

D) Operational De-Confliction

The target list will be queried in TECS utilizing (b)(7)(E) to ensure de-confliction with Homeland Security Investigations (HSI) and other law enforcement entities. Each FOD will inform their respective HSI Special Agent in Charge (SAC) of the operation and offer them the opportunity to participate.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of this operational plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

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Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, entitled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and the Assistant Director for Field Operations or the ERO EAD according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **(List locations and targets here)**

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by their respective Office of Chief Counsel (OCC) prior to the operation, as is the case with national operations. During the pre-operational briefing, the Office of Chief Counsel will provide a 4th Amendment overview.

G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action.

In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations. Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(List names and ages of known juveniles, and plan of care including care giver contact name and numbers. If there are no juveniles on target list, state so here.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. The Harris County Child Protective Service (HCCPS) will be contacted at 1-800-252-5400, if a general situation arises and an Investigator can be contacted at (281) 847-7000.

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, *may* be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the USAO/State Attorney's Office as appropriate. If the case is accepted for prosecution, a Form I-247, Detainer – Notice of Action, will be filed with the agency assuming custody of the alien. If the USAO/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the Form I-213 and included in the file.

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J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICEGangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are present, to include a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally

initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of immigration laws and border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and locate these aliens for removal from the United States.

The objective of National Operation Cross Check VI is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities.

III. Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS's immigration enforcement priorities. The objectives of these priorities are national security, border security, and public safety.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the 24 ERO field offices across the United States. The teams will consist of members of the 129 FOTs; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP) and the detained and non-detained sections of local ERO offices. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

Throughout the course of this operation, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. If operationally feasible to do so, liaison will be established with LEAs in the areas in which enforcement efforts will be conducted.

This operation will consist of four (4) days of enforcement activities from March 1, 2015 through March 4, 2015.

- February 27, 2015: Operational briefing. All officers participating in the operation will attend the pre-operational briefing. The briefings must include a representative from the Office of Chief Counsel to address 4th Amendment and other pertinent legal considerations.
- March 1, 2015 through March 4, 2015: Arrest teams will deploy throughout the country to initiate arrests.
- March 5, 2015: Upon review and approval of the ERO Executive Associate Director, ICE HQ OPA may issue a press release.

C) Tasks

1. Field Offices: A copy of the Operational Plan and target list will be sent to the FOSC and NFOP via the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments.
2. FODs: Each FOD will be responsible for identifying suitable detention space within each AOR. Should additional detention resources be required, the FOD will coordinate with HQ/Field Operations.
3. The Law Enforcement Support Center (LESC) is available 24 hours per day, seven days per week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESC: 802-872-6020. When calling the LESC, officers should be prepared to provide their LESC officer ID number.
4. NFOP: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
 - a. Secondary detention and processing site(s) will be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the FOT AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses **are not authorized** for this operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the FOD level.
3. Removal efforts: Pursuant to ERO's mission of ensuring efficient removal in order to uphold America's immigration laws, the below actions will be performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.

- No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
 - d. FOTs will not *target* aliens outside the scope of National Operation Cross Check VI, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action in accordance with existing policy.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
 - f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. Daily Reports: Submitted to the FOSC via established protocols, and NFOP via the HQERO, FUGOPS Mailbox utilizing the HQ approved FOSC reporting database designed to capture nationwide at-large surge operation statistics. Reports will be submitted once a day by 4:00 PM EST for the day's activities up to the time of submission of the report.

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2. ALL EAGLE entries pursuant to this operation will use “National Operation Cross Check VI” in the operational dropdown on the initial event screen.
3. ALL (b)(7)(E) entries pursuant to this operation will use “National Operation Cross Check VI” in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, each team leader will ensure that the OM2 is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. **Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via (b)(7)
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policies and procedures.

D) After-Action Reporting Requirements

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. NFOP will conduct a national after-action teleconference on March 11, 2015 for key operational and administrative personnel involved in the final phase(s) of the enforcement operation.
3. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
4. HQ ICE OPA will coordinate with the Assistant Director for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911

Sector: 1-800-X-SECTOR (973-2867)

INTERPOL: 202-532-4297

INTERPOL 24-hour Command Center (IOCC): 202-616-9000

ORR: 202-401-5709

LESC: 802-872-(b)(7)

LESC POC:

FOSC POC:

Local

AFOD: (b)(6);(b)(7)(C) (202) 345-(b)(6);(

SDDO: (832) 435-(b)(6);(

AUTHORIZING OFFICIAL

Steven Paul Boll
Field Office Director
Houston Field Office

APPROVING OFFICIAL

Matthew T. Albence
Assistant Director
Enforcement

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List-*submitted separately once finalized*

Attachment 2: Other than normal operational hours justification

Attachment 3: Operational Support

Attachment 4: Supporting Agency Contact Information

Attachment 5: CPS Contact List

Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP

HQ FOOSC

HQ Field Operations

FOD

DFOD

Fugitive Operations AFOD

Enforcement and Removal Operations

No Safe Haven II



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**HEADQUARTERS APPROVED
OPERATION PLAN**

ENFORCEMENT DIVISION

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Revised 6/26/2015

No Safe Haven II
Dates: August 11-13, 2015

I. Situation

The objective of Operation No Safe Haven is to apply a cross-component approach to the identification, location, arrest and removal of priority removable aliens with affiliation to persecutory acts and war crimes. No Safe Haven utilizes all of Immigration and Customs Enforcement (ICE) investigative techniques and legal authorities to identify, locate, investigate, prosecute, and remove persecutors from the U.S. This initiative ensures that the U.S. does not become a safe haven to those accused of human rights violations and seeking to escape justice by hiding in the nation's communities.

This operation will utilize Enforcement and Removal Operations (ERO) Fugitive Operations Teams (FOTs) and agents from Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices across the country and will be consistent with the November 20, 2014 memorandum from the Secretary of the Department of Homeland Security, Jeh C. Johnson, titled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. Resources from the ERO Criminal Alien Program (CAP) and local Detained/Non-Detained units will also participate in this enforcement operation as resources permit.

Through a joint collaboration between the HSI Human Rights Violators and War Crimes Center (HRVWCC), OPLA's Human Rights Law Section (HRLS), the ERO Travel Document Unit (TDU) and the National Fugitive Operations Program (NFOP), a target list has been developed which has been vetted and approved through the respective components. However, prior to commencement of the operation, the FOTs will evaluate lead information to determine reliability/legal sufficiency of leads provided by NFOP.

Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) to pursue criminal arrest warrants to include, but not limited to, Title 8 USC 1253, Penalties related to removal. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum titled *DRO/OI Protocols*. Field Office Directors (FOD) will collaborate with each USAO within their respective Area of Responsibility (AOR) to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

Local SAC offices have been notified of this operation by Headquarters HSI. Participating FODs should coordinate with their local SAC office, as well as work with other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. This nationwide enforcement operation will take place August 11-13, 2015.

The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Directors (AD) for Field Operations and Enforcement, and participating FODs have been briefed on this operational plan and support its execution.

A) Targeted Aliens – (78¹)

FOTs will target approximately **78** fugitive aliens, who are known or suspected human rights violators. Teams will be provided a target list by NFOP of aliens that pose a threat to public safety for either being found to be a persecutor (i.e. ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion) by an immigration judge or having been identified by HRVWCC/HRLS as a known or suspected human rights violator.

These targets are final order cases vetted by OPLA and Headquarters TDU. HQ will support legal, travel document, and removal efforts for each target while in custody after apprehension. By close of business August 6, 2015, each FOD will review and approve the target list prior to return to the Fugitive Operations Division mailbox (HQERO, FUGOPS). Once approved by HQ, the final target list will be disseminated to the respective FODs by August 7, 2015.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet DHS' enforcement priorities. If safe to do so, and if there is articulable reasonable suspicion that the non-targeted aliens encountered during the operation may be in the United States unlawfully, they should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made on a case-by-case basis consistent with Secretary Jeh Johnson's November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 0600 hours to 2200 hours daily, the team leader(s) will determine the actual duty hours. No operation will begin prior

¹ Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

to 0600 hours or after 2200 hours, unless the FOD has reviewed the case and given approval based on specific justifications for each case (**see attachment**). All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target(s) has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

FOTs will conduct the operation with other resources as determined necessary from local CAP and Detained/Non-Detained units, as well as the following Law Enforcement Agencies (LEAs): *see attachment*. The FODs must commit all necessary resources within their jurisdictions. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

HSI has been advised of the operation and will be participating to identify follow-on investigative work related to arrested targets and to develop intelligence in conjunction with or predicated on ERO enforcement activities. The level of HSI involvement and coordination will vary depending on the individual situations with each case. The target list has been queried in TECS utilizing (b)(7)(E) (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any HQ approved or FOD approved operation plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. (**If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.**)

F) Sensitive Locations and 4th Amendment

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Revised 6/26/2015

Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, titled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of the memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **(List locations and targets here)**

All personnel assigned to the operation must be current on 4th Amendment training requirements. The pre-operational briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants. In addition, FODs may choose to seek additional training by the Office of Chief Counsel prior to the operation.

G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and locations of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action. In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations.

Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the

requirements of ICE Policy No. 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(No juveniles have been targeted for this operation)**

If unaccompanied alien children are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement planning activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. (See attachment)

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, may be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247N Request for Voluntary Notification of Release of Suspected Priority Alien or I-247D Immigration Detainer – Request for Voluntary Action, consistent with the Priority Enforcement Program (PEP), which was established pursuant to the direction of DHS Secretary Jeh Johnson in a November 20, 2014 Memorandum entitled, *Secure Communities*, will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to

prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICE Gangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are prevalent, to include a photo of the front of the house for future officer safety concerns.

ICE Definition of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the U.S.

Operation No Safe Haven is a cross-component approach to the identification, location, arrest and removal of priority removable aliens with affiliation to persecutory acts and war crimes.

III. Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS' enforcement priorities. The objective of these priorities is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, human rights violations, torture, war crimes and a host of other offenses that have a profoundly negative impact on our society.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the United States. FOTs will be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from CAP and the detained and non-detained sections of local ERO offices. One DO will be assigned as the team

leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas in which arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activities from August 11, 2015, through August 13, 2015.

- August 7, 2015: Operational briefing. All officers, agents, and any other law enforcement personnel participating in the operation will attend the pre-operational briefing. The briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants.
- August 11, 2015 through August 13, 2015: Arrest teams will deploy throughout the country to initiate arrests.
- August 14, 2015: Upon review and approval of the ERO Executive Associate Director, ICE HQ OPA may issue a press release.

C) Tasks

1. Fugitive Operations Division (FOD): A copy of the Operational Plan and FOD approved target list will be sent to the NCATC and NFOP via the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel Breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESL: 802-872-6020. When calling the LESL, officers should be prepared to provide their individual LESL officer ID number.
3. HQ/Field Operations: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.

4. Each FOD will be responsible for identifying suitable detention space within their AOR. Should additional detention resources be required, the FOD will coordinate locating those resources with HQ/Field Operations.

IV. Administration

A) Safety

The Fugitive Operations AFOD/FOT SDDO shall consider officer safety issues and available intelligence to ensure the welfare of all officers involved in the operation. In general, it is important to consider that a majority of the targets identified for this operation may have military/law enforcement experience.

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, if utilized during the operation, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Fugitive Operations AFOD with concurrence from the appropriate FODs.

2. Lodging and per diem: Lodging and per diem expenses are not authorized for this operation.
3. Removal efforts: Pursuant to ERO's goal of expeditiously removing all aliens with final orders, the below actions will be performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal, where applicable to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
 - d. FOTs assigned to Operation No Safe Haven will not *target* aliens outside the scope of No Safe Haven, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action, in accordance with existing policy and procedures.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied

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during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel. It is expected that all arrested targets will be detained in ICE custody pending removal efforts.

C) General Reporting Requirements

1. Daily Reports: Submitted to the HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved arrest reporting spreadsheet. Reports will be submitted once a day by 1600 hours Eastern Daylight Time (EDT) for the day's activities up to the submission of the report.
2. ALL EAGLE entries pursuant to this operation will use "No Safe Haven" in the operational dropdown on the initial event screen.
3. All (b)(7)(E) entries pursuant to this operation will use "No Safe Haven" in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, each team leader will ensure that the (b)(7) is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. **Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via (b)(7)(C)
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will need to be completed for each targeted arrest, as these apprehensions qualify as High Profile Removals (HPRs). NFOP will provide template language with the final/approved target list to assist in the generation of SIRs.

8. DROLead and INTEL Debriefing: To facilitate the collection of intelligence, upon arrest of a No Safe Haven target, each FOT AFOD will coordinate with their local INTEL AFOD, to accomplish an intelligence debriefing of the subject and submit a DROLead, if appropriate.

D) After-Action Reporting Requirements

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. NFOP will conduct a national after-action teleconference on August 17, 2015 for key operational and administrative personnel involved in the final phase(s) of the enforcement operation.
3. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
4. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
5. HQ ICE OPA will coordinate with the Assistant Director for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
INTERPOL: 202-532-4297
INTERPOL 24-hour Command Center (IOCC): 202-616-3900
ORR: 202-401-5709
LESC: 802-872- (b)(7)
LESC POC: N/A
NFOP POC: (b)(6);(b)(7)(C)
NCATC POC: (b)(6);(b)(7)(C)

Local

AFOD:
SDDO:

AUTHORIZING OFFICIAL

Field Office Director
Field Office

APPROVING OFFICIAL

Matthew T. Albence
Assistant Director
Enforcement

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Other than normal operational hours justification
Attachment 3: Operational Support
Attachment 4: Supporting Agency Contact Information
Attachment 5: CPS Contact List

DISTRIBUTION:

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HQ NCATC
HQ Field Operations
HQ Repatriation
HQ OPLA
HQ OPA
FOD
DFOD
Fugitive Operations AFOD

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

New York Field Office
NFOP-JCART

SOAR Operation



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FIELD OFFICE DIRECTOR (FOD) APPROVED

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Revised 5/24/2013

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

FUGITIVE OPERATIONS PLAN:



**ENFORCEMENT AND REMOVAL OPERATIONS
NEW YORK FIELD OFFICE**

Sex Offender Alien Removal (SOAR)

Dates: June 17, 2013-June 28, 2013

I. Situation

The objective of Operation "Sex Offender Alien Removal" (SOAR) is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New York Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities. The focus of the operation will be criminal removable aliens convicted of sex crimes.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (140)

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One Hundred Forty (140) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by AFOD.** The targets are comprised of aliens found within the three tier System of Priorities for Fugitive Operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case. All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 and 1400. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The New York Fugitive Operations Team(s) will conduct the operation with support from other resources from the New York Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs): United States Marshals Service (USMS) Adam Walsh Task Force and the USMS Fugitive Location Apprehension Group (FLAG). The FOD has committed all necessary resources within their jurisdiction.

D) Operational De-Confliction

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Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have declined to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officers (SDDOs) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations.

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G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(No Juveniles are being targeted by ERO for this Operation)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the **NFOP SDDO** and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **Contact local SDDO or AFOD for instruction.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal

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record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval or another form of **ATD**.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.

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- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Sex Offender Alien Removal" (SOAR) is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the New York Field Office(s) AOR who have been convicted of sex offenses. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.

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- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of six (6) designated teams in the AOR. The teams will consist of members of the New York FOTs; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained and non-detained sections of New York ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of 4 days of enforcement activity being executed throughout the New York AOR from June 24, 2013, through June 28, 2013.

- June 23, 2013: Operational briefing at 1000 hours at the New York Field Office. All officers participating in the operation will attend the pre-operational briefing.

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- Officers from the New York NFOP will deploy throughout the Greater New York Metro area to initiate arrests at residences and places of employment.
- November 16, 2012: If advisable, the New York ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the New York AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during

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enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."

3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to New York Field Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the New York FOD.
2. Lodging and per diem: Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the New York Field Office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest

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location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.

- c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The OPLA/New York and have been advised and contacted as to the availability to approve stipulated removals during the operation.
- d. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's over-arching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.
ATD can be utilized in the New York AOR.

C) General Reporting Requirements

- 1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

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Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by Close of Business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on June 23, 2013 at the New York Field Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)

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3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. New York ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. Public Affairs contact number(s) will be provided upon completion of the operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)(f)
LESC POC:
FOSC POC:

Local

AFOD:
SDDO:

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APPROVING OFFICIAL

Christopher Shanahan
Field Office Director
New York Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List

Attachment 2: Other than normal operational hours justification

Attachment 3: Operational Support

DISTRIBUTION:

FOSC

FOD

DFOD

Operations AFOD

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Chicago Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

1

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Revised 12/21/2011

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ENFORCEMENT AND REMOVAL OPERATIONS
CHICAGO FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check

Dates: March 24-28, 2014

I. Situation

The objective of Operation “**Return to Sender/Cross Check/Secure Streets**” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the **Chicago** Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (24)

Twenty-four (24) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by FOD.** The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes **ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions.** Of the total number of targets for this operation, **four (4)** are tier 1 fugitive aliens, **ten (10)** are tier 2 previously removed aliens, and **ten (10)** are tier 3 removable aliens convicted of crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 and 2200. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The **Wichita** Fugitive Operations Team(s) will conduct the operation with support from other resources from the **Wichita** Enforcement and Removal Operations (ERO) Office, Wichita Homeland Security Investigations (HSI) Office, as well as the following Law Enforcement Agencies (LEAs): **Liberal Police Department and Seward County Sheriff's Department**. The FOD has committed all necessary resources within their jurisdiction. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have **agreed** to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing **(b)(7)(E)** to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is

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impractical, then affected agencies should be notified as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(List locations and targets here)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In

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addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(No juveniles have been targeted for this operation)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **(See attachment)**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

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ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations

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Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "**Return to Sender/Cross Check/ Secure Streets**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the **Chicago** Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

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B) Concept of Operations

The operation will consist of 3 designated teams in the AOR. The teams will consist of members of the Wichita FOTs; the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained and non-detained sections of Wichita ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of 5 days of enforcement activity being executed throughout the Chicago AOR from March 24, 2014, through March 28, 2014.

- March 14, 2014: Operational briefing at 1330 hours at the Wichita ERO Office. All officers participating in the operation will attend the pre-operational briefing.
- March 24, 2014 to March 28, 2014: Officers from the Wichita FOTs will deploy throughout the Chicago AOR to initiate arrests at residences and places of employment.
- March 31, 2014: If advisable, the Chicago ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents

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participating in the operation have the contact number for the LESC: 802-872-6020.

3. Detention Operations Coordination Center (DOCC): Detention space is limited or suitable within the Chicago AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. The DOCC has been provided a copy of this Operational Plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to Liberal Police Department for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Chicago FOD.

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2. Lodging and per diem: **Lodging and per diem expenses will** be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local** level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the **Liberal Police Department** for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. The **OPLA/KAN** and **EOIR/KAN** have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such

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cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.

- e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.
OR/OS release as appropriate

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 1600 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Operations

(b)(7)(E)
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

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4. Report Format: At the conclusion of field operations, the team leaders will ensure that the (b)(7) is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on March 31, 2014 at the Wichita ERO sub-office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Chicago ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. Public Affairs contact number (312) 347-2210/(952)853-2602

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)(C)
LESC POC: Duty Officer
FOSC POC: (b)(6);(b)(7)(C) (802) 657-(b)(6)

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Local

AFOD: (b)(6);(b) (502) 625-(b)(6)
SDDO: (b)(6);(b)(7) (316) 210-(b)(7)

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APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
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DFOD
Operations AFOD
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Enforcement and Removal Operations

(b)(7)(E)



LIMITED OFFICIAL USE

**HEADQUARTERS APPROVED
OPERATION PLAN**

ENFORCEMENT DIVISION

1

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Revised 4/29/2015

Dates: June 2-4, 2015

I. Situation

The objective of Project Red is to apply a multi-agency methodical approach to the identification, location, arrest, and removal of international criminal fugitive aliens who are found within the United States. Utilizing U.S. Immigration and Customs Enforcement (ICE) investigative techniques and legal authorities for this endeavor, this nationwide initiative serves to ensure that the U.S. does not become a refuge to those wanted for criminal offenses abroad and who seek to escape justice by hiding within the nation's communities.

The operation will utilize Enforcement and Removal Operations (ERO) Fugitive Operations Teams (FOTs) and deputies from United States Marshals Service (USMS) offices across the country and will be consistent with the November 20, 2014 memorandum from the Secretary of the Department of Homeland Security, Jeh C. Johnson, titled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. Resources from the ERO Criminal Alien Program (CAP) and local Detained/Non-Detained units will also participate in this enforcement operation as resources permit.

Through collaboration between the United States National Central Bureau (USNCB)-INTERPOL Washington, USMS, ICE Office of the Principal Legal Advisor (OPLA) ERO Law Division, the ERO Travel Document Unit (TDU) and the ERO National Fugitive Operations Program (NFOP), a target list has been developed which has been vetted and approved through the respective ICE components and partner agencies. However, prior to commencement of the operation, the FOTs will evaluate lead information to determine reliability and legal sufficiency of leads provided by the NFOP.

Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) to pursue criminal arrest warrants to include, but not limited to, Title 8 USC 1253, Penalties related to removal. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum titled *DRO/OI Protocols*. Field Office Directors (FOD) will collaborate with each USAO within their respective Area of Responsibility (AOR) to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

The USMS and the USNCB have been notified of this operation by Headquarters ERO. Participating FODs should coordinate with their local USMS office, as well as work with other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. This nationwide enforcement operation will take place from June 2-4, 2015.

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Revised 4/29/2015

The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Director (AD) for Field Operations and Enforcement, and participating FODs have been briefed on this operational plan and support its execution.

A) Targeted Aliens – (37¹)

FOTs will target approximately **37** at-large removable aliens who are wanted for a criminal offense and/or have been convicted of a criminal offense outside the United States. The NFOP will provide the FOTs with a target list of aliens wanted for a serious crime and whose removal would serve an important federal interest.

These targets are at-large removable alien cases vetted by the ERO TDU. HQ will support legal, travel document, and removal efforts for each target while in custody after apprehension. By close of business **May 28, 2015**, each FOD will review and approve the target list prior to return to the Fugitive Operations Division mailbox (HQERO, FUGOPS). Once approved by HQ, the final target list will be disseminated to the respective FODs by **May 29, 2015**.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet DHS' enforcement priorities. If safe to do so, and if there is articulable reasonable suspicion that the non-targeted aliens encountered during the operation may be in the United States unlawfully, they should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made on a case-by-case basis consistent with Secretary Jeh Johnson's November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 0600 hours to 2200 hours daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hours or after 2200 hours, unless the FOD has reviewed the case and

¹ Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

given approval based on specific justifications for each case (**see attachment**). All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target(s) has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

FOTs will conduct the operation with other resources as determined necessary from local CAP and Detained/Non-Detained units, as well as the following Law Enforcement Agencies (LEAs): *see attachment*. The FODs must commit all necessary resources within their jurisdictions. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

USMS and USNCB have been advised of the operation and will be participating to identify follow-on investigative work related to arrested targets and to develop intelligence in conjunction with or predicated on ERO enforcement activities. Each FOD will inform their respective HSI Special Agent in Charge (SAC) of the operation and offer them the opportunity to participate. The level of HSI, USMS and USNCB involvement and coordination will vary depending on the individual situations with each case. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any HQ approved or FOD approved operation plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. (**If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.**)

F) Sensitive Locations and 4th Amendment

4

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Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, titled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of the memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **(List locations and targets here)**

All personnel assigned to the operation must be current on 4th Amendment training requirements. The pre-operational briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants. In addition, FODs may choose to seek additional training by the Office of Chief Counsel prior to the operation.

G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and locations of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action. In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations. Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE Policy No.

11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(No juveniles have been targeted for this operation)**

If unaccompanied alien children are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. (See attachment)

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, may be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer, will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICE Gangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are prevalent, to include a photo of the front of the house for future officer safety concerns.

ICE Definition of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the U.S.

Project Red is a multi-agency methodical approach to the identification, location, arrest, and removal of international criminal fugitive aliens who are found within the United States.

III. Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS' enforcement priorities. The objective of these priorities is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous criminals engaged in crimes such as murder, predatory sexual offenses, human trafficking, robbery, gang activity and a host of other offenses that have a profoundly negative impact on our society.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the United States. FOTs will be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from CAP and the detained and non-detained sections of local ERO offices. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas in which arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activities from June 2, 2015, through June 4, 2015.

- **May 29, 2015:** Operational briefing. All officers and USMS law enforcement personnel participating in the operation will attend the pre-operational briefing. The briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants.
- **June 2, 2015 through June 4, 2015:** Arrest teams will deploy throughout the country to initiate arrests.
- **June 5, 2015:** Upon review and approval of the ERO Executive Associate Director, ICE HQ OPA may issue a press release.

C) Tasks

1. Fugitive Operations Division (FOD): A copy of the Operational Plan and FOD approved target list will be sent to the FOSC and NFOP via the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESC: 802-872-6020. When calling the LESC, officers should be prepared to provide their individual LESC officer ID number.
3. HQ/Field Operations: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.
4. Each FOD will be responsible for identifying suitable detention space within their AOR. Should additional detention resources be required, the FOD will coordinate locating those resources with HQ/Field Operations.

IV. Administration

A) Safety

The Fugitive Operations AFOD/FOT SDDO shall consider officer safety issues and available intelligence to ensure the welfare of all officers involved in the operation.

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, if utilized during the operation, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Fugitive Operations AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses are not authorized for this operation.

3. Removal efforts: Pursuant to ERO's goal of expeditiously removing all aliens with final orders, the below actions will be performed to facilitate this objective:
- a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal, where applicable to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
 - d. FOTs assigned to Operation Project Red will not *target* aliens outside the scope of Operation Project Red, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action, in accordance with existing policy and procedures.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local

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management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel. It is expected that all arrested targets will be detained in ICE custody pending removal efforts.

C) General Reporting Requirements

1. Daily Reports: Submitted to the HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved arrest reporting spreadsheet. Reports will be submitted once a day by 1600 hours Eastern Daylight Time (EDT) for the day's activities up to the submission of the report.
2. ALL EAGLE entries pursuant to this operation will use "Project Red" in the operational dropdown on the initial event screen.
3. All (b)(7)(E) entries pursuant to this operation will use "Project Red" in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, each team leader will ensure that the (b)(7) is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. **Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via (b)(7)(C)
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will need to be completed for each targeted arrest, as these apprehensions qualify as High Profile Removals (HPRs). NFOP will provide template language with the final/approved target list to assist in the generation of SIRs.

D) After-Action Reporting Requirements

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. NFOP will conduct a national after-action teleconference on June 9, 2015 for key operational and administrative personnel involved in the final phase(s) of the enforcement operation.
3. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
4. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
5. HQ ICE OPA will coordinate with the Assistant Director for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
INTERPOL: 202-532-4297
INTERPOL 24-hour Command Center (IOCC): 202-616-3900
ORR: 202-401-5709
LESC: 802-872-(b)(6)
LESC POC: N/A
NFOP POC: (b)(6);(b)(7)(C)
FOSC POC: (b)(6);(b)(7)(C)

Local

AFOD: (b)(6);(b)(7)(C) (502) 625-(b)(6)
SDDO: (b)(6);(b)(7)(C) (312) 347-(b)(6);(b)(7)(C)

AUTHORIZING OFFICIAL

(b)(6);(b)(7)(C)

Acting Field Office Director
Chicago Field Office

APPROVING OFFICIAL

Matthew T. Albence
Assistant Director
Enforcement

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Other than normal operational hours justification
Attachment 3: Operational Support
Attachment 4: Supporting Agency Contact Information
Attachment 5: CPS Contact List

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HQ FOSC
HQ Field Operations
HQ Repatriation Management
HQ OPLA
HQ OPA
FOD
DFOD
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DOJ-INTERPOL Washington USNCB

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Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

Denver Field Office
Fugitive Operations Team



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**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

**ENFORCEMENT AND REMOVAL OPERATIONS
DENVER FIELD OFFICE**

**Operation Return to Sender/Cross Check/Secure Streets
Dates: June 13-15, 2011**

I. Situation

The objective of Operation "Return to Sender/ Cross Check / Secure Streets" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Denver Field Office Area of Operational Responsibility (AOR).

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (32)

Thirty-two (32) aliens have been identified and will be targeted during this operation. The targets comprise of aliens found within the three Tier System of Priorities for Fugitive Operations; which includes: ICE Fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, twenty-four (25) are Tier 1 Fugitive Aliens, three (2) are Tier 2 Previously Removed Aliens, and five (5) are Tier 3 Removable Aliens Convicted of Crimes. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 and 2200.

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C) Local Situation

The Denver Fugitive Operations Team(s) will conduct the operation with support from other resources from the Denver Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs): Teton County Sheriff's Office. The FOD has committed all necessary resources within their jurisdiction

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have declined to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction.

F) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative.

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G) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a plan of care for the juveniles will be addressed prior to the commencement of operations. **(No juveniles are targeted during this operation.)**

If unaccompanied alien juveniles are encountered, contact your local juvenile coordinator for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **(See attachment for agency names, contacts, and phone numbers.)**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in file.

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I) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The agent(s) conducting the arrest will determine whether indications of association are present.

II. Mission.

Operation "Return to Sender / Cross Check / Secure Streets" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise

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dangerous aliens at large within the Denver Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Execution

A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Handbook. The primary mission of the National Fugitive Operations Program is to reduce the backlog of ICE fugitives throughout the United States. The National Fugitive Operations Program additionally focuses resources to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of two (2) designated arrest teams in the AOR. The teams will consist of members of the Denver FOTs; the teams will also be assisted by Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained / non-detained sections of Denver ERO. One DO will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activity being executed throughout the Denver AOR from June 13, 2011, through June 15, 2011.

Phase I: June 10, 2011: Operational briefing at 1000 hours at the Loveland Fugitive Operations Office. All officers participating in the operation will attend the pre-operational briefing. The Cheyenne and Casper ERO offices will be available via the telephone.

Phase II: June 13, 2011, to June 15, 2011: Officers from the Denver FOT3 will deploy throughout the Wyoming area to initiate arrests at residences and places of employment.

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Phase III: June 15, 2011: If deemed necessary, the Denver ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ Fug Ops Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that you provide all officers/agents participating in the operation the contact number for the LESC.
3. Detention Operations Coordination Center (DOCC): Detention space is limited / suitable within the Denver AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

D) Safety and Logistics

Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.

1. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
2. No training will be necessary prior to this operation.

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3. Primary processing location: All detainees will be transported to the Casper ERO office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Denver FOD.
4. Logistics.
 - a. Lodging and per diem expenses will be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level.
 - b.
 - c. No health & safety inspection required for any facility or equipment being utilized for this operation.
 - d. No contracts need to be reevaluated.
5. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the Casper ERO office for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The OPLA/Denver and EOIR/Denver have been advised and contacted as to the availability to approve stipulated removals during the operation.

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- d. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ Fug Ops Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQDRO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN / Significant Incident Report (SIR) / Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by Close of Business (COB) each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on June 15, 2011, at a designated location in Wyoming.
2. Format: The format for issues will be:
 - a. Topic

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- b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
 4. DEN ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s)- 214-905-5292.

G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

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Enforcement and Removal Operations

APPROVING OFFICIAL

Field Office Director
Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Operational Support
- Attachment 2: CPS Contact List
- Attachment 3: Supporting Agency Contact Information
- Attachment 4: Other than normal operational hour's justification
- Attachment 5: Cost Estimate for HQ requested funds
- Attachment 6: Complete Target List

DISTRIBUTION:

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Enforcement and Removal Operations

Denver Field Office

(b)(7)(E)



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**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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Department of Homeland Security
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**ENFORCEMENT AND REMOVAL OPERATIONS
DENVER FIELD OFFICE**

Operation (b)(7)(E)
Dates: December 08-10, 2010

I. Situation

The objective of Operation (b)(7)(E) is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) removable aliens in violation of their student visa status (F & J visa holders) and potentially involved in perpetuating fraud and exploiting the vulnerabilities inherent in the student visa (F & J visa holders) process. These removable aliens in violation of their student visa status are also potentially involved in the illegal reshipment of stolen goods, often purchased through stolen identities, to Vietnam as well as laundering its proceeds. These status violators and otherwise dangerous aliens are at large within the Denver Field Office Area of Operational Responsibility (AOR) and fall within priority level 2 of the Civil Immigration Enforcement Priorities memo dated the June 30, 2010 and signed by Assistant Secretary Morton.

This operation has the support of the Department of Homeland Security Assistant Secretary for Immigration and Customs Enforcement (AS ICE), Department of Homeland Security Executive Associate Director Homeland Security Investigations (EAD HSI), Department of Homeland Security Assistant Director for Investigative Programs Homeland Security Investigations, and the Department of State. The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Directors (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (2)

Two aliens have been identified and will be targeted during this operation. The target list is comprised of aliens found within the scope of investigation initiated by the ICE National Cyber Crimes Center (3) resulting in the target list outlined and attached to this operation known as Operation (b)(7)(E). These aliens are potentially involved with transnational organized crime syndicates suspected of violating Title 18 U.S.C. 1956 (a) (2), International Money Laundering; Title 18 U.S.C 554, Outbound smuggling; Title 18 U.S.C. 2314, International Transportation of Stolen Property; Title 18 U.S.C 1341, Mail Fraud; 18 U.S.C 1343, Wire Fraud; Title 18 U.S.C. 1028A, Aggravated Identity Theft; and Title 18 U.S.C 1029, Access Device Fraud.

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These targets are suspected of involvement in supporting an underground economy within an elaborate network of conspirators playing various roles such as computer hackers, sellers of stolen personal identity, credit card and other financial information, fraud managers and facilitators, and mules/re-shippers. All targets are removable aliens in violation of their student visa status (F & J visa holders). (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs. and 1400 hrs.

C) Local Situation

The Fugitive Operations Team(s) will conduct the operation with support from other resources from the Denver Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs): None used for this Operation. The FOD has committed all necessary resources within their jurisdiction. (See attached Excel spreadsheet for Team breakdown)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from

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location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative.

G) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a plan of care for the juveniles will be addressed prior to the commencement of operations. **NO JUVENILES ARE BEING TARGETED.**

If unaccompanied alien juveniles are encountered, contact your local juvenile coordinator for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. The Colorado Department of Human Services, Child Welfare Division can be reached at 303-866-5932 or at the website:

<http://www.cdhs.state.co.us/childwelfare/ChildWelfareServices.htm>

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal

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record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in file.

I) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.

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- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The agent(s) conducting the arrest will determine whether indications of association are present.

II. Mission.

Operation (b)(7)(E) is an effort to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) removable aliens in violation of their student visa status (F & J visa holders) and potentially involved in perpetuating fraud and exploiting the vulnerabilities inherent in the student visa (F & J visa holders) process. These removable aliens in violation of their student visa status are also involved in the illegal reshipment of stolen goods, often purchased through stolen identities, to Vietnam as well as laundering its proceeds, and otherwise dangerous aliens are at large within the Denver Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Execution

A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Handbook and the June 30, 2010, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens as signed by Assistant Secretary Morton. ICE Fugitive Operations Division additionally focuses resources to apprehend and remove otherwise dangerous aliens at large in the community. ICE National Cyber Crimes Center (C3) has recognized a large scale cyber crime threat against the U.S. financial, eCommerce, and the Express Courier sectors by transnational criminal organizations on the Internet. To address this threat, C3 initiated Operation (b)(7)(E) targeting the Vietnam Underground Economy. Operation (b)(7)(C) has resulted in the infiltration of several underground criminal forums and the identification of numerous transnational cyber crime syndicates operating in Vietnam. ICE Fugitive Operations will initiate and conduct the operational planning and apprehension of all aliens identified under (b)(7)(C). ICE will also assess and reallocate existing resources needed to facilitate the apprehension of the aforementioned aliens.

B) Concept of Operations

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The operation will consist of one (1) designated arrest team in the AOR. The team will consist of members of the Denver FOTs; the team will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained / non-detained sections of Denver ERO. One DO will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The team will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activity being executed throughout the Denver AOR from December 8, 2010, through December 10, 2010.

Phase I: December 7, 2010: Operational briefing at 1300 hours at the Denver Field Office's 2nd floor training room. All officers participating in the operation will attend the pre-operational briefing.

Phase II: December 8, 2010 to December 10, 2010, Officers from the Denver FOTs will deploy throughout the Denver area to initiate arrests at residences and or places of employment.

Phase III: December 10, 2010: If deemed necessary, the Denver ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ Fug Ops Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that you provide all

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officers/agents participating in the operation the contact number for the LESC.

3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the Denver AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. /

D) Safety and Logistics

Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.

1. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
2. No training will be necessary prior to this operation.
3. Primary processing location: All detainees will be transported to Denver Field Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Denver FOD.
4. Logistics.
 - a. Lodging and per diem expenses will not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local/HQ level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.**

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- b. No health & safety inspection required for any facility or equipment being utilized for this operation.
 - c. No contracts need to be reevaluated.
5. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
- a. Once arrested, all detainees will be transported to the Denver Field Office for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. OPLA/Denver and EOIR/Denver have been advised and contacted as to the availability to approve stipulated removals during the operation.

When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel. This includes electronic monitoring. Alternatives to Detention (ATD) Supervisor SDDO Claudia Lang will be notified in any case where ATD may be required.

E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ Fug Ops Mailbox utilizing the HQ attached Reporting spreadsheet.

Via/Transmission: E-mail (HQDRO, FUGOPS)

Due: 2400 daily

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Period Covered: The full 24 hours of the reporting day (0001-2400 hours)

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN / Significant Incident Report (SIR) / Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by Close of Business (COB) each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on December 10, 2010 at the Denver Field Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Dallas ICE OPA (b)(6),(b)(7)(C) will coordinate with the FOD and generate a press release upon completion of the operation if necessary. ICE Public Affairs contact number(s) (214) 905-5292.

G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

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APPROVING OFFICIAL

Field Office Director
Denver Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Operational Support
Attachment 2: CPS Contact List
Attachment 3: Complete Target List

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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Chicago Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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Revised 12/21/2011

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ENFORCEMENT AND REMOVAL OPERATIONS
CHICAGO FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check

Dates: January 31-February 1, 2014

I. Situation

The objective of Operation “Return to Sender/Cross Check/Secure Streets” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (25)

Twenty-five (25) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by FOD.** The targets are comprised of aliens found within the three tier System of Priorities for Fugitive Operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, seven (7) are Tier 1 Fugitive Aliens, three (3) are Tier 2 Previously Removed Aliens, and fifteen (15) are Tier 3 Removable Aliens Convicted of Crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The **Milwaukee** Fugitive Operations Team(s) will conduct the operation with support from other resources from the FOD Chicago/Milwaukee FOT/ Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs): **Custom and Border Protection/Port of Milwaukee, RAC Milwaukee HSI, and Wisconsin Department of Justice/SAC Madison**. The FOD has committed all necessary resources within their jurisdiction. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have chosen to participate. RAC Milwaukee will contribute operational personnel on both days of the operation. The target list has been queried in TECS utilizing SQAD, SQ11, SQ16, and NN16 to ensure de-confliction with HSI and other law enforcement entities, as well as submitted to the Wisconsin Department of Justice for additional de-confliction.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During

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the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations.

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be

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encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **There is no anticipated enforcement action to be taken against juveniles in this operation.**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **See attachment for local CPS contacts.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

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J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO

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upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "**Return to Sender/Cross Check/ Secure Streets**" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the **Chicago** Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

III. Execution

A) Director's Intent

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Immigration and Customs Enforcement
Enforcement and Removal Operations**

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of one (01) designated team in the AOR. The teams will consist of members of the Milwaukee FOT; the team will also be assisted by personnel from the Criminal Alien Program (CAP), all from Milwaukee ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of two (2) days of enforcement activity being executed throughout the FOD Chicago/Milwaukee AOR from January 31, through February 1, 2014.

- January 30, 2014: Operational briefing at 1000 hours at MIL/ERO. All ICE/ERO, ICE/HSI, and CBP personnel participating in the operation will attend the pre-operational briefing. Team Leaders will individually coordinate telephonically with DCI personnel from SAC (b)(6);(b) as well as any other personnel unable to attend the meeting.
- January 31, 2014 to February 1, 2014: Officers from the Milwaukee FOT will deploy throughout the Dane, Jefferson, and Dodge County area to initiate arrests at residences and places of employment.
- February 3, 2014: If advisable, the Chicago ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

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1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is limited or suitable within the Chicago AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **DOCC assistance has not been requested.**

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

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1. Primary processing location: All detainees will be transported to Milwaukee ICE/ERO each day for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the **Chicago** FOD.
2. Lodging and per diem: **Lodging and per diem expenses will** not be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local/HQ** level.
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the ICE/ERO in Milwaukee, WI for initial processing. All files will be reviewed by the FugOps team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. The **OPLA/CHI** and **EOIR/CHI** have been advised and contacted as to the availability to approve stipulated removals during the operation.

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- d. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

Orders of Supervision
Orders of Recognizance

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS Mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 1800 daily

Period Covered: That day's 24-hour period (1400-1359 hours)

Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provided statistics prior to validation, the information must be clearly stated to be not validated and subject to change

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).

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3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that (b)(7) is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in EAGLE by Close of Business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on February 3, 2014 at the Milwaukee Sub-Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Chicago ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are listed on Tab A, attachment

V. Command and Control

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1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911

Sector: 1-800-X-SECTOR (973-2867)

ORR: 202-401-5709

LESC: 802-872-(b)(7)

LESC POC:

FOSC POC: DDO (b)(6)(b)(7)(C)

Local

AFOD: (b)(6);(b)(7) (502-625-(b) 502-618-(b)
SDDO: (C) (414-287-(b); (6); 312-446-(b);
(b)(7) (b)(7)

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APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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ChicagoField Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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ENFORCEMENT AND REMOVAL OPERATIONS
Chicago FIELD OFFICE

Operation Return to Sender/Secure Streets/Cross Check
Dates: April 7-11, 2014

I. Situation

The objective of Operation "Return to Sender/Cross Check/Secure Streets" is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (34)

Thirty-four (34) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by FOD.** The targets are comprised of aliens found within the three tier system of priorities for fugitive operations, which includes ICE fugitive aliens, previously removed aliens and aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, eight (8) are tier 1 fugitive aliens, ten (10) are tier 2 previously removed aliens, and sixteen (16) are tier 3 removable aliens convicted of crimes. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. **(See attached Excel spreadsheet for target list.)**

B) Hours of Operation

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Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The **St. Louis** Fugitive Operations Team(s) will conduct the operation with support from other resources from the **St. Louis** Enforcement and Removal Operations (ERO) Office, as well as the following Law Enforcement Agencies (LEAs). The FOD has committed all necessary resources within their jurisdiction. (**See TAB A for LEA breakdown**)

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have **agreed** to participate. No additional request for assistance was made by ERO. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Team (FOT) Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is impractical, then affected agencies should be notified as soon as possible

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thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(No sensitive locations will be targeted during this operation)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with

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juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(There are no juveniles targeted for arrest during this operation.)**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **A list of agency names, contacts and phone numbers has been included in TAB A.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

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ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy

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designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Return to Sender/Cross Check/ Secure Streets" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Chicago Field Office(s) AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of four (4) designated teams in the AOR. The teams will consist of members of the St. Louis FOTs; the teams will also be assisted by

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Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from the Criminal Alien Program (CAP), detained and non-detained sections of St. Louis ERO. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of five (5) days of enforcement activity being executed throughout the Chicago AOR from, April 7, 2014 through April 11, 2014.

- April 4, 2014: Operational briefing at 1300 hours at the St. Louis ERO Office. All officers participating in the operation will attend the pre-operational briefing.
- April 7, 2014 to April 11, 2014: Officers from the St. Louis FOTs will deploy throughout the St. Louis area to initiate arrests at residences and places of employment.
- April 11, 2014: If advisable, the Chicago ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-6020.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the Chicago AOR, and detention locations have been

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identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation. **The DOCC has been provided a copy of this Operational Plan and their assistance was requested, the DOCC has concurred with the operation and will be providing the following assistance.**

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to **St. Louis** for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the **Chicago** FOD.
2. Lodging and per diem: **Lodging and per diem expenses will not** be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local** level.

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3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
- a. Once arrested, all detainees will be transported to the **St. Louis ERO Office** for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. The **OPLA and EOIR/Chicago** have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. FOTs will not target non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's over-arching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan

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should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

Orders of Supervision and Enhanced Supervised Reporting.

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 1800 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

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1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held on April 11, 2014 at the St. Louis FOT office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. Chicago ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) are: (312) 347-2210 or cell (312) 446-7872.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)
LESC POC:
FOSC POC: (b)(6);(b)(7)(C) (802) 657-(b)(6)

Local

AFOD: (b)(6);(b)(7)(C) (502) 625-(b)(6)
SDDO: (b)(6);(b)(7)(C) (314) 244-(b)(6);

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APPROVING OFFICIAL

Ricardo A. Wong
Field Office Director
Chicago Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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RESULTS OF PROJECT SOUTHBOUND
THURSDAY, MAY 1, 2014

BACKGROUND:

You will participate in a press conference to announce Project Southbound, a national gang operation resulting in the arrest of 638 gang members and 119 others on federal and/or state criminal violations, including administrative immigration violations.

HSI field offices throughout the country conducted the month-long national gang enforcement operation from Wednesday, March 12, through Sunday, April 13. HSI special agents from 22 SAC offices used both their criminal and administrative authorities to arrest the targets. More than 73 percent of those arrested during this operation were members or associates of the Sureños.

Of the 638 gang members or associates arrested:

- 525 were charged with criminal offenses;
- 113 were arrested administratively for immigration violations;
- 414 had violent criminal histories; and
- 256 were foreign nationals.

HSI special agents seized 54 firearms, 13.36 pounds of methamphetamine, 82.76 pounds of marijuana, 3.075 pounds of cocaine, 1.44 pounds of heroin, more than \$166,000 in U.S currency and 10 vehicles during the operation.

DATE/TIME: Thursday, May 1, 2014 at 2:00 p.m. ET

LOCATION: ICE HQ 500 12 Street, SW, JMCC Washington, D.C.

SPEAKERS:

Thomas Winkowski, ICE Principal Deputy Assistant Secretary

PROGRAM (Flow of Show):

1:45 p.m. Pre-brief
2:00 p.m. You provide remarks (5 min.)
2:05 p.m. Media Q & A
2:15 p.m. You conduct one-on-one interviews (Subject to change).
HSI DAD (b)(6);(b)(7)(C) and ICE Press Secretary Barbara Gonzalez will be available for Spanish one-on-one media interviews

SOUND BITES:

1/24/2017 5:06 PM

1

Prepared by: (b)(6);(b)(7)(C)
Telephone Number: 202-732-(b)(6)
Email: (b)(6);(b)(7)(C)



- Today's announcement reinforces ICE's commitment to combating dangerous and ruthless transnational criminal street gangs.
- Our goal is simple: identify and arrest gang members wherever they may be hiding to ensure that they no longer pose a threat to public safety.
- There are more than 30,000 Sureños members in the continental United States and their numbers are growing every day.
- Project Southbound is the largest ever HSI-led gang enforcement operation targeting the Sureños transnational street gang.
- This month-long gang enforcement operation targeted 179 cities resulting in the arrest of 638 gang members and associates from 145 different gangs including 103 gangs affiliated with the Sureños.
- HSI's partnership with local and state law enforcement agencies is critical to combating gang violence and improving public safety.
- HSI will continue to disrupt and dismantle these transnational gangs and rid our streets not only of recidivist offenders, but the violence associated with transnational criminal organizations.

KEY MESSAGES:

- The primary purpose of the operation was to identify and arrest gang members and associates of transnational street gangs that threaten public safety.
- There are more than 30,000 Sureños members in the continental United States and their numbers are growing.
- Sureños gang members are involved in a myriad of criminal activity to include extortion, narcotics trafficking, human trafficking, prostitution and other crimes with a nexus to the border.
- According to the U.S. Department of Justice's National Gang Intelligence Center's 2011 National Gang Threat Assessment, membership and cliques associated with the Sureños are expanding faster than any other national-level gang in the United States.
- The National Drug Intelligence Center's 2010 National Drug Threat Survey reports that Sureños and other street gangs contract with Mexican Drug Trafficking Organizations to protect smuggling routes, collect debts, transport illicit goods and execute rival traffickers.
- In 2005, HSI initiated Operation Community Shield, an international law enforcement initiative targeting transnational gangs.
- Since Operation Community Shield began in February 2005, HSI special agents nationwide have arrested more than 33,000 street gang members and associates linked to more than 2,600 different gangs. Of those, 438 were gang leaders.

ANTICIPATED QUESTIONS AND ANSWERS:

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Prepared by: (b)(6);(b)(7)(C)
Telephone Number: 202-732- (b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)



(b)(5)

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Prepared by: (b)(6), (b)(7)(C)
Telephone Number: (b)(6), (b)(7)(C)
Email: (b)(6), (b)(7)(C)

National Fugitive Operations and JCART Joint Criminal Alien Removal Team (JCART) Programs



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**HEADQUARTERS
OPERATION PLAN:**

**ENFORCEMENT AND REMOVAL OPERATIONS
National Fugitive Operations Program (NFOP)
Joint Criminal Alien Removal Team (JCART)**

**Operation Cross Check
(Arizona)**

Dates: August 9-11, 2010

I. Situation

The objective of Operation Cross Check is to apply the combined resources of the National Fugitive Operations Program (NFOP), the Joint Criminal Alien Removal Team (JCART), and the Homeland Security Investigations (HSI) in an organized, methodical approach to the location and arrest of ICE fugitive aliens and at-large criminal aliens throughout the United States. The primary purpose of this operation is to promote community safety and national security by targeting the criminally convicted alien population in the State of Arizona.

Operation Cross Check will utilize the four (4) Fugitive Operations Teams (FOT) from Phoenix, San Diego, El Paso and San Bernardino, and Special Agents from the Phoenix HSI Special Agent in Charge (SAC) office. Resources from the Violent Criminal Alien Section (VCAS) and Joint Criminal Alien Removal Team (JCART) will also participate in the operation.

The combined resources from the existing FOT, local JCART and HSI resources, and TDY staff will result in eight (8) operational teams. Each local team will target at least four (4) criminal aliens per day within their area-of-responsibility (AOR).

Prior to commencement of the operation, teams will evaluate lead information to prioritize criminal aliens that pose a threat to national security and community safety, or are convicted criminals who are amenable to removal proceedings.. Suitable cases will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8USC1326 and 8USC1253. Prosecutions for other offenses will be guided by the August 20, 2007, memorandum entitled ERO/HSI Protocols. ICE-ERO will collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

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Upon approval of this operational plan, the Field Office Director (FOD) will collaborate with the USAO in the Arizona Area of Responsibility (AOR) to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FOD will coordinate with the local HSI Special Agent in Charge (SAC), as well as other federal, state and local law enforcement agencies (LEA) to encourage their participation in this operation. The FOD should coordinate with the United States Marshal Service (USMS) Regional Task Forces, and other law enforcement partners. Arrangements will be made with the USMS to ensure space requirements and coordinate initial appearances. The local probation and parole offices will also be consulted in target development and cooperation in this operation.

This operation will consist of three days of enforcement activity executed throughout the Arizona AOR August 9, 2010, through August 11, 2010.

The Director, Deputy Director, Assistant Director for Enforcement and the Field Office Director have been briefed on this operational plan, and support its execution.

A) Targeted Criminal Aliens –

Approximately 150 criminally convicted aliens and fugitive aliens will be identified and targeted during this operation. Within ten (10) days of the approval of this plan, the Arizona field office will compile a target list and submit it to the Fugitive Operations Support Center (FOSC) for additional screening and consolidation. The target list will be sent to HQERO by the FOSC for final review and approval. Once approved, the final list will be disseminated to the FOD and SAC participating in the operation. **(See Attached handout for target list.)**

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case, and given approval based on specific justification for each case (attachment three). All activities will be conducted pursuant to the National Fugitive Operations Program Policy and Procedures.

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Supervisory staff will adjust shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 hrs and 2200 hrs.

C) Operational De-Confliction

The target list will be queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities. The target list will also be submitted to the HQ National Gang Unit within HSI for vetting against the ICE Gangs database.

D) Local Law Enforcement Agencies (LEAs)

The team leaders shall advise non-participating local law enforcement agencies (LEAs) prior to the execution of the operational plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification to LEAs of the impending operation. If indeed this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.

E) Community Issues or Politically Sensitive Issues

Three (3) days prior to the execution of the operation, HQERO will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. OPA will coordinate with USAO, HQERO, HQ HSI and the FOD to draft a joint press release within 24 - 48 hrs of the conclusion of the operation. This operation may result in negative community response due to an area being designated a "Sanctuary City" or other social / political issues currently taking place. In addition, there is currently an Arizona State immigration law (SB 1070) that a federal court judge has enjoined from taking effect.

F) Juveniles

The presence of juveniles at a target location, or in the care of a fugitive, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that children are identified, or likely to be encountered at a particular residence; family members, care providers and community, as well as state and county juvenile resources, will be examined and a

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plan of care for the juveniles will be addressed prior to the commencement of operations. **No juveniles are being targeted.**

If unaccompanied alien juveniles are encountered, the Office of Refugee Resettlement (ORR) will be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO and Team Leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **Arizona Child Protective Services 1-877-238-4501.**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision with SDDO/AFOD approval.

G) Prosecutions

During the week subsequent to HQ approval of this operation, the FOD will meet with the USAO within their AOR to explain the operation and solicit cooperation in accepting cases for prosecution including obtaining indictments and/or arrest warrants including cases that may not normally meet USAO guidelines. Aliens with violent criminal convictions and those that are a threat to national security or the community will be targeted. Prosecutions should include, but are not limited to, 8USC1326 and 8USC1253. HSI will be responsible for presenting cases for prosecution in violation of 18USC1028, 18USC1546, or any other violation falling under the purview of HSI that may lead to prosecution. All criminal arrests and seizures will be reported in the TECS case management system.

Upon arrest, these aliens, or any other persons identified during the course of operations that have outstanding warrants, will be turned over to the custody of the USMS or any other LEA maintaining the warrant. Once arrested, an I-247 (Detainer) will be filed with the agency assuming custody if the subject is eligible for removal proceedings. All evidence seized will be collected and maintained in accordance with stated ICE policy and procedure.

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H) Gangs

In the event that ICE personnel encounter a gang member or an associate gang member (as defined below) they must immediately refer the subject(s) to HSI for investigation. HSI will document the encounter using ICE Field Interview Card (ICE Form 73-011). ICE Form 73-011 and any photos will be forwarded to operational personnel responsible for entering the subject's information into the ICE GANGS database within 72 hours.

Consent Searches

HSI will be responsible for obtaining consent to search any gang members or associate gang members residence, conveyance, or other location in writing, which must be witnessed by two other law enforcement officers. All consent searches will be documented after the fact by HSI in a Report of Investigation (ROI). The ROI will include the details surrounding the search, including who gave consent, the name and biographical information of all persons encountered and/or arrested, a list of all items seized, and the names of all operational personnel involved.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five (5) years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five (5) years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.

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- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The agent(s) conducting the arrest will determine whether indications of association are present.

II. Mission

Operation Cross Check is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitives and at-large criminal aliens throughout the United States. The sustained cooperation of other LEAs throughout the area is paramount to the success of this initiative.

Execution

A) Director's Intent

This operation combines the resources of NFOP, JCART, as well as the investigative capacity of HSI in support of the ICE mission to promote public safety and national security.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the State of Arizona. A Deportation Officer (DO) will be assigned as the Team Leader (TL) for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted. All participating officers will be fully equipped with both deadly and non-deadly force equipment and personal body armor.

Beyond identifying themselves verbally as law enforcement officers/agents, ERO and HSI enforcement personnel shall utilize law enforcement identifiers, such as neck badges, belt badges, and/or outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."

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This operation will consist of three (3) days of enforcement activity being executed throughout the Arizona AOR from August 9, 2010, through August 11, 2010.

Phase I: Upon approval of this operational plan, the FOD/SAC will collaborate with the USAO within their AORs to seek their cooperation in obtaining criminal arrest warrants, indictments and relaxed prosecutorial guidelines. In addition, FODs will begin coordination with HSI and other federal, state and local LEAs.

Phase II: Within ten (10) days of the approval of this plan, each field office will compile a target list and submit it to the FOSC. Within five days, FOSC will submit the consolidated list to HQERO. A copy of the consolidated list will be provided to the HSI National Gang Unit at ICE HQ.

Phase III: On August 6, 2010, HQERO will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative.

Phase IV: August 8, 2010: Operational briefing. All officers participating in the operation will attend the pre-operational briefing.

Phase V: August 9, 2010, through August 11, 2010: Arrest teams will deploy throughout the Arizona AOR to initiate arrests at residences and places of employment.

Phase VI: August 12, 2010: The Headquarters ICE Public Affairs Office will issue a press release following the completion of the operation once approved by the FOD and HQ.

C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list will be sent to the FOSC.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to the teams conducting operations. HQNFOP will coordinate with the LESC and provide a list of all officers/agents participating in the operation. All officers/agents will have the contact number for the LESC. The number is (802) 872- (b)(7)

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Detention Operations Coordination Center (DOCC): Detention space is suitable within the AOR, and detention locations have been identified. The DOCC has been provided a copy of this Operational plan and their assistance was requested.

D) Safety and Logistics

1. Mandatory Element: **Safety is paramount.** Officers will not engage in high/low-speed vehicle pursuits. Officers will carry and have on their person non-lethal force weapons, service-issued firearms and personal body armor.

Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel shall utilize law enforcement identifiers, such as neck badges, belt badges, and/or outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."

2. No additional training will be necessary prior to this operation.
3. Primary processing location: All detainees will be transported to the local detention offices for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the appropriate Field Office Directors.
4. Logistics.
 - a. Lodging and per diem expenses will be required for the operation.
 - b. No Health & Safety inspection required for any facility or equipment being utilized for this operation
 - c. No contracts need to be reevaluated

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d. Temporary Duty (TDY)

Airfare, lodging, per diem and vehicle rental expenses will be required for the operation. Estimated operational costs for the twenty (20) TDY officers are \$64,079.50. Explanations of these expenses are listed below and are subject to change based on local resources committed to the operation.

Per Diem

The Arizona Cross Check Operation will require a total of 19 TDY officers and one (1) DRA to travel to various cities within the Arizona AOR on Monday July 26th, perform the operation, and return on Thursday August 12th. Officers provided by other field offices will come from both Fugitive Operations and JCART, and participation by HSI and other LEAs will offset the number of ERO TDY officers necessary to accomplish the operation.

Miscellaneous expenses are estimated to be \$427.80 per detailed employee. Total estimated per diem and miscellaneous expenses are \$55,523.50 for all 20 employees.

Vehicles

The Arizona Cross Check Operation will require no rental vehicles. TDY officers will travel to Arizona in assigned Government Owned Vehicles (GOV).

Total estimated vehicle expense = \$0

Airline Costs

No airline costs are anticipated for this operation.

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TDY Participant

Expense	ELP (7)	SND (7)	SBD (6)	Totals(20)
MI&E	\$9,194.50	\$10,591.00	\$6,816.00	\$26,601.50
Lodging	\$11,214.00	\$8,204.00	\$9,504.00	\$28,922.00
Vehicles	\$0	\$0	\$0	\$0
Air Travel	\$0	\$0	\$0	\$0
Misc Exp	\$2,800.00	\$3,500.00	\$2,256.00	\$8,556.00
Totals	\$23,208.50	\$22,295.00	\$18,576.00	\$64,079.50

5. Removal Efforts: It is the intent of the Director to expeditiously remove all ICE fugitive aliens and criminal aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the closest ERO office for initial processing. All files will be reviewed by the Team Leader and SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility or to the custody of the USMS.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention for all cases.
 - c. All non-fugitive arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time. The OPLA/Phoenix and EOIR/EAZ have been advised and contacted as to the availability to approve stipulated removals during the operation.
 - d. When appropriate, a form of alternative detention will be utilized. Alternative to Detention program assests.

E) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD, FOSC and HQ FUGOPS Operations utilizing the HQ approved Enforcement Activity Report

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spreadsheet. Reports will be submitted three times daily at 10 a.m., 2 p.m. (EST) and at the close of business local time.

Via/Transmission: E-mail (HQERO, FUGOPS and FOOSC)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

2. Weekly Reports: Standard HQ FUGOPS reporting via the FCMS system.
3. Significant Event Notification (SEN): A SEN / SIR / SPEAR will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by COB each day.
5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on August 11, 2010, at each participating office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review.
4. HQ ICE Public Affairs will coordinate with the Assistant Director and generate a press release upon completion of the operation. ICE Public Affairs contact number(s)

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G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

AUTHORIZING OFFICIALS

Katrina S. Kane
Field Office Director
Phoenix Field Office

APPROVING OFFICIAL

Gregory J. Archambeault
Acting Assistant Director for Enforcement
Office of Enforcement and Removal

TABS:

Handout: Complete target list

DISTRIBUTION:

FOD

DFOD

Operations AFOD

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Phoenix Field Office
Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

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**ENFORCEMENT AND REMOVAL OPERATIONS
PHOENIX FIELD OFFICE**

**Operation Cross Check
Dates: August 17-19**

I. Situation

The objective of Operation “Cross Check” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Phoenix Field Office Area of Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities.

The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (50)

Fifty (50) aliens have been identified and will be targeted during this operation. **These targets have been reviewed and approved by Phoenix FOD.** The targets are comprised of aliens found within the priorities defined by the Policies for the Apprehension, Detention and Removal of Undocumented Immigrants memorandum dated November 20, 2014, and/or otherwise amenable criminal aliens. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to an Enforcement and Removal Operations (ERO) office and checked as quickly as possible. Based on the prosecutorial guidelines, appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for

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conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed the case and given approval based on specific justification for each case (**see attachment**). All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The two Fugitive Operations Team (FOT) and the Priority Enforcement Program (PEP) Team will conduct the operation with support from other resources within the Phoenix ERO AOR. The FOD has committed all necessary resources within their jurisdiction. (**See attached Excel spreadsheet for Team and LEA breakdown**)

D) Operational De-Confliction

The target list will be queried in TECS utilizing (b)(7)(E) to ensure de-confliction with Homeland Security Investigations (HSI) and other law enforcement entities. Each FOD will inform their respective HSI Special Agent in Charge (SAC) of the operation and offer them the opportunity to participate.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival. If this is impractical, then affected agencies should be notified as soon as possible thereafter. In the presence of exigent circumstances, it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. (**If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.**)

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F) Sensitive Locations and 4th Amendment

Potential enforcement activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan.

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation, as is the case with national operations. **(No sensitive locations identified.)**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort. Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **No juveniles will be targeted on this operation.**

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If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709, after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. **List agency names, contacts and phone numbers here or see attachment.**

AZ Department of Child Safety

1-877-238-4501 (24-hour law enforcement contact number)
or
1-888-767-2445

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247 Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database.

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Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the “previous five years” requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder,

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predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Cross Check" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Phoenix Field Office AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.

III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of multiple arrest teams in the AOR. The teams will consist of members of the 2 FOTs and the PEP Team; the teams may also be augmented by Deportation Officers (DO) and Immigration Enforcement Agents (IEA) from other sections of the Phoenix Field Office AOR. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed

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appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of three days of enforcement activity being executed throughout the Phoenix AOR from August 17, 2015, through August 19, 2015.

- August 14, 2015: Operational briefing at 0800 hrs at the respective Phoenix/Tucson offices. All officers participating in the operation will attend the pre-operational briefing.
- August 17-19, 2015: Officers from the Phoenix AOR will deploy throughout the AOR to initiate arrests at residences and places of employment.
- The week of August 24, 2015: If advisable, the Phoenix ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-(b)(7)(F)
3. FODs: Each FOD will be responsible for identifying suitable detention space within each AOR. Should additional detention resources be required, the FOD will coordinate with HQ/Field Operations.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

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1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to Phoenix Field Office or the Tucson Sub-Office for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Phoenix FOD.
2. Lodging and per diem: Lodging and per diem expenses will be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the local level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO officer or local holding facility for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal

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**Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations**

sufficiency prior to the alien being transferred to an appropriate detention facility.

- No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
- b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
- c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
- d. FOTs will not *target* aliens outside the scope of National Operation Cross Check VI, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action in accordance with existing policy.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised consistent with all established guidelines and with supervisory oversight. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel.

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C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (HQERO, FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hrs)

Quality Assurance: An officer, and support staff as needed, who are not involved with the operation will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly stated to be not validated and subject to change.

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by close of business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. Format: The format for issues will be:
 - a. Topic

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- b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
 4. Phoenix ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number(s) 602-200-2220.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
ORR: 202-401-5709
LESC: 802-872- (b)(7)(C)
LESC POC:
FOSC POC:

Local

AFOD: (b)(6);(b)(7)(C) 520-251- (b)(6);
SDDO: (b)(6);(b)(7)(C) 602-723- (b)(6);(

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Revised 12/21/2011

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

APPROVING OFFICIAL

(b)(6);(b)(7)(C)
(A) Field Office Director
Phoenix Field Office

ATTACHMENTS: (If applicable)

- Attachment 1: Complete Target List
- Attachment 2: Other than normal operational hours justification
- Attachment 3: Operational Support
- Attachment 4: Supporting Agency Contact Information
- Attachment 5: CPS Contact List
- Attachment 6: Cost Estimate for HQ requested funds

DISTRIBUTION:

HQ NFOP
FOSC
FOD
DFOD
Operations AFOD
DOCC

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Enforcement and Removal Operations

No Safe Haven II



LIMITED OFFICIAL USE

**HEADQUARTERS APPROVED
OPERATION PLAN**

ENFORCEMENT DIVISION

1

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Revised 6/26/2015

No Safe Haven II
Dates: August 11-13, 2015

I. Situation

The objective of Operation No Safe Haven is to apply a cross-component approach to the identification, location, arrest and removal of priority removable aliens with affiliation to persecutory acts and war crimes. No Safe Haven utilizes all of Immigration and Customs Enforcement (ICE) investigative techniques and legal authorities to identify, locate, investigate, prosecute, and remove persecutors from the U.S. This initiative ensures that the U.S. does not become a safe haven to those accused of human rights violations and seeking to escape justice by hiding in the nation's communities.

This operation will utilize Enforcement and Removal Operations (ERO) Fugitive Operations Teams (FOTs) and agents from Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices across the country and will be consistent with the November 20, 2014 memorandum from the Secretary of the Department of Homeland Security, Jeh C. Johnson, titled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. Resources from the ERO Criminal Alien Program (CAP) and local Detained/Non-Detained units will also participate in this enforcement operation as resources permit.

Through a joint collaboration between the HSI Human Rights Violators and War Crimes Center (HRVWCC), OPLA's Human Rights Law Section (HRLS), the ERO Travel Document Unit (TDU) and the National Fugitive Operations Program (NFOP), a target list has been developed which has been vetted and approved through the respective components. However, prior to commencement of the operation, the FOTs will evaluate lead information to determine reliability/legal sufficiency of leads provided by NFOP.

Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) to pursue criminal arrest warrants to include, but not limited to, Title 8 USC 1253, Penalties related to removal. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum titled *DRO/OI Protocols*. Field Office Directors (FOD) will collaborate with each USAO within their respective Area of Responsibility (AOR) to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

Local SAC offices have been notified of this operation by Headquarters HSI. Participating FODs should coordinate with their local SAC office, as well as work with other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. This nationwide enforcement operation will take place August 11-13, 2015.

The Executive Associate Director (EAD), Deputy Executive Associate Director (Deputy EAD), Assistant Directors (AD) for Field Operations and Enforcement, and participating FODs have been briefed on this operational plan and support its execution.

A) Targeted Aliens – (78¹)

FOTs will target approximately **78** fugitive aliens, who are known or suspected human rights violators. Teams will be provided a target list by NFOP of aliens that pose a threat to public safety for either being found to be a persecutor (i.e. ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion) by an immigration judge or having been identified by HRVWCC/HRLS as a known or suspected human rights violator.

These targets are final order cases vetted by OPLA and Headquarters TDU. HQ will support legal, travel document, and removal efforts for each target while in custody after apprehension. By close of business August 6, 2015, each FOD will review and approve the target list prior to return to the Fugitive Operations Division mailbox (HQERO, FUGOPS). Once approved by HQ, the final target list will be disseminated to the respective FODs by August 7, 2015.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet DHS' enforcement priorities. If safe to do so, and if there is articulable reasonable suspicion that the non-targeted aliens encountered during the operation may be in the United States unlawfully, they should be checked for criminal and immigration histories while at the arrest location or taken to an ERO office and checked as quickly as possible. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made on a case-by-case basis consistent with Secretary Jeh Johnson's November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. (See attached Excel spreadsheet for target list.)

B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 0600 hours to 2200 hours daily, the team leader(s) will determine the actual duty hours. No operation will begin prior

¹ Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

to 0600 hours or after 2200 hours, unless the FOD has reviewed the case and given approval based on specific justifications for each case **(see attachment)**. All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target(s) has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

FOTs will conduct the operation with other resources as determined necessary from local CAP and Detained/Non-Detained units, as well as the following Law Enforcement Agencies (LEAs): *see attachment*. The FODs must commit all necessary resources within their jurisdictions. **(See attached Excel spreadsheet for Team and LEA breakdown)**

D) Operational De-Confliction

HSI has been advised of the operation and will be participating to identify follow-on investigative work related to arrested targets and to develop intelligence in conjunction with or predicated on ERO enforcement activities. The level of HSI involvement and coordination will vary depending on the individual situations with each case. The target list has been queried in TECS utilizing (b)(7)(E) (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of any HQ approved or FOD approved operation plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. **(If this is the case, the FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

4

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Revised 6/26/2015

Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, titled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of the memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **(List locations and targets here)**

All personnel assigned to the operation must be current on 4th Amendment training requirements. The pre-operational briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants. In addition, FODs may choose to seek additional training by the Office of Chief Counsel prior to the operation.

G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and locations of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action. In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations.

Non-targeted juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the

requirements of ICE Policy No. 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **(No juveniles have been targeted for this operation)**

If unaccompanied alien children are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing.

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement planning activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. (See attachment)

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, may be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247N Request for Voluntary Notification of Release of Suspected Priority Alien or I-247D Immigration Detainer – Request for Voluntary Action, consistent with the Priority Enforcement Program (PEP), which was established pursuant to the direction of DHS Secretary Jeh Johnson in a November 20, 2014 Memorandum entitled, *Secure Communities*, will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to

prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICE Gangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are prevalent, to include a photo of the front of the house for future officer safety concerns.

ICE Definition of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the U.S.

Operation No Safe Haven is a cross-component approach to the identification, location, arrest and removal of priority removable aliens with affiliation to persecutory acts and war crimes.

III. Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS' enforcement priorities. The objective of these priorities is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, human rights violations, torture, war crimes and a host of other offenses that have a profoundly negative impact on our society.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the United States. FOTs will be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from CAP and the detained and non-detained sections of local ERO offices. One DO will be assigned as the team

leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas in which arrest efforts will be conducted.

This operation will consist of three (3) days of enforcement activities from August 11, 2015, through August 13, 2015.

- August 7, 2015: Operational briefing. All officers, agents, and any other law enforcement personnel participating in the operation will attend the pre-operational briefing. The briefings should include a representative from the Office of Chief Counsel to address Fourth Amendment and other pertinent legal considerations associated with enforcement of administrative warrants.
- August 11, 2015 through August 13, 2015: Arrest teams will deploy throughout the country to initiate arrests.
- August 14, 2015: Upon review and approval of the ERO Executive Associate Director, ICE HQ OPA may issue a press release.

C) Tasks

1. Fugitive Operations Division (FOD): A copy of the Operational Plan and FOD approved target list will be sent to the NCATC and NFOP via the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel Breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESC: 802-872-(b)(7). When calling the LESC, officers should be prepared to provide their individual LESC officer ID number.
3. HQ/Field Operations: Prior to the operation, NFOP will provide HQ/Field Operations with a copy of the approved operational plan.

4. Each FOD will be responsible for identifying suitable detention space within their AOR. Should additional detention resources be required, the FOD will coordinate locating those resources with HQ/Field Operations.

IV. Administration

A) Safety

The Fugitive Operations AFOD/FOT SDDO shall consider officer safety issues and available intelligence to ensure the welfare of all officers involved in the operation. In general, it is important to consider that a majority of the targets identified for this operation may have military/law enforcement experience.

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and personal body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, if utilized during the operation, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.
4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Fugitive Operations AFOD with concurrence from the appropriate FODs.

2. Lodging and per diem: Lodging and per diem expenses are not authorized for this operation.
3. Removal efforts: Pursuant to ERO's goal of expeditiously removing all aliens with final orders, the below actions will be performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.
 - c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal, where applicable to aid in the reduction of detention time, if deemed appropriate by supervisory personnel given the circumstances. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
 - d. FOTs assigned to Operation No Safe Haven will not *target* aliens outside the scope of No Safe Haven, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action, in accordance with existing policy and procedures.
 - e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied

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during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.

- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel. It is expected that all arrested targets will be detained in ICE custody pending removal efforts.

C) General Reporting Requirements

1. Daily Reports: Submitted to the HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved arrest reporting spreadsheet. Reports will be submitted once a day by 1600 hours Eastern Daylight Time (EDT) for the day's activities up to the submission of the report.
2. ALL EAGLE entries pursuant to this operation will use "No Safe Haven" in the operational dropdown on the initial event screen.
3. All (b)(7)(E) entries pursuant to this operation will use "No Safe Haven" in the operational dropdown on the arrest screen.
4. At the conclusion of daily operations, each team leader will ensure that the (b)(7) is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. **Quality Assurance:** An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via OM².
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will need to be completed for each targeted arrest, as these apprehensions qualify as High Profile Removals (HPRs). NFOP will provide template language with the final/approved target list to assist in the generation of SIRs.

8. DROLead and INTEL Debriefing: To facilitate the collection of intelligence, upon arrest of a No Safe Haven target, each FOT AFOD will coordinate with their local INTEL AFOD, to accomplish an intelligence debriefing of the subject and submit a DROLead, if appropriate.

D) After-Action Reporting Requirements

1. Field Offices should conduct an after-action briefing as soon as practicable after completion of the operation and before the after-action conference.
2. NFOP will conduct a national after-action teleconference on August 17, 2015 for key operational and administrative personnel involved in the final phase(s) of the enforcement operation.
3. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
4. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
5. HQ ICE OPA will coordinate with the Assistant Director for Enforcement and generate a press release upon completion of the operation.

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (973-2867)
INTERPOL: 202-532-4297
INTERPOL 24-hour Command Center (IOCC): 202-616-3900
ORR: 202-401-5709
LESC: 802-872-(b)(7)
LESC POC: N/A
NFOP POC: (b)(6);(b)(7)(C)
NCATC POC: (b)(6);(b)(7)(C)

Local

AFOD:
SDDO:

AUTHORIZING OFFICIAL

Field Office Director
Field Office

APPROVING OFFICIAL

Matthew T. Albence
Assistant Director
Enforcement

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List
Attachment 2: Other than normal operational hours justification
Attachment 3: Operational Support
Attachment 4: Supporting Agency Contact Information
Attachment 5: CPS Contact List

DISTRIBUTION:

HQ NFOP
HQ NCATC
HQ Field Operations
HQ Repatriation
HQ OPLA
HQ OPA
FOD
DFOD
Fugitive Operations AFOD

Enforcement and Removal Operations **National Operation Cross Check**



LIMITED OFFICIAL USE

HEADQUARTERS (HQ) APPROVED OPERATION PLAN:

ENFORCEMENT AND REMOVAL OPERATIONS

1

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Revised 12/21/2011

Page 6584

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Dallas Field Office Fugitive Operations Team



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:
CROSS CHECK**

1

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Revised 1/29/2015

**ENFORCEMENT AND REMOVAL OPERATIONS
DALLAS FIELD OFFICE**

**OPERATION CROSS CHECK
Dates: June 13 to June 15, 2016**

I. Situation

The objective of Operation Cross Check is to apply an organized, methodical approach to the identification, location and arrest of at-large removable aliens convicted of crimes and public safety threats who present a danger to our local communities. This operation will occur in the Dallas Field Office Area of Operational Responsibility (AOR) consistent with the Department of Homeland Security's (DHS) immigration enforcement priorities.

Operation Cross Check will utilize the five (5) Texas and the Tulsa, Oklahoma Fugitive Operations Teams (FOTs) located within the FOD Dallas AOR, resources from the Criminal Alien Program (CAP) and Detained/Non-Detained units, and agents from corresponding ICE Homeland Security Investigations (HSI) Special Agent in Charge (SAC) offices within the FOD Dallas AOR.

Prior to commencement of the operation, teams will evaluate lead information to identify at-large criminal aliens and public safety threats. Target cases amenable to prosecution will be presented to the U.S. Attorney's Office (USAO) in pursuit of criminal arrest warrants to include, but not limited to, 8 USC 1326 and 8 USC 1253. Prosecutions for other offenses will be guided by the August 20, 2007 memorandum, DRO/OI Protocols. ERO will also collaborate with U.S. Citizenship and Immigration Services to evaluate criminal alien case referrals for inclusion in the operation.

Upon approval of this operational plan, the Field Office Director (FOD) will collaborate with each USAO in the AOR to seek cooperation in obtaining criminal arrest warrants, indictments and acceptance of prosecutions.

In addition, the FOD is directed to coordinate with the local SACs, as well as other federal, state and local law enforcement agencies (LEAs) to encourage their participation in this operation. The FOD should coordinate with the United States Marshals Service (USMS) Regional Task Forces, local USMS task forces, and other law enforcement partners. Arrangements should be made with the USMS to ensure space requirements and coordinate initial appearances. Local probation and parole offices should be consulted in target development and 4th Amendment waiver considerations during operations.

This operation will consist of three (3) days of enforcement activity executed simultaneously across the FOD Dallas AOR from June 13 – June 15, 2016.

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The Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – (122)¹

The six (6) Dallas Field Office FOTs will target approximately 122 at-large criminal aliens and public safety threats throughout the FOD Dallas AOR. Teams will generate target lists of at-large criminal aliens and public safety threats who present a danger to our local communities.

Cross Check Targets are restricted to Priority 1 and Priority 2 as outlined in the November 20, 2014, memorandum issued by Secretary Jeh Johnson titled, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants:”

- *Priority 1* – threats to national security, criminal street gang members, convicted felons, and aggravated felons; and
- *Priority 2* – convictions for 3 or more misdemeanors or convictions for significant misdemeanors.

Enforcement actions may also be taken against non-targeted aliens encountered during the course of this operation that are determined to be removable and found to present a public safety threat or otherwise meet DHS enforcement priorities, as provided in this operation plan. If safe to do so, and there is articulable reason to believe that the non-targeted aliens encountered during the operation are in the United States unlawfully, immigration and criminal history checks should be conducted while at the arrest location or at a local ERO office. Based on the Prosecutorial Discretion Guidelines, appropriate charging and detention decisions should be made consistent with Secretary Jeh Johnson’s November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, on a case-by-case basis. **(See Attachment #1 for target list)**

B) Hours of Operation

¹ Focus on targets may be subject to change based on HQ operational directives. Subsequent changes relating to target focus and scope will not require a new operational plan.

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct pre-operational surveillance as resources permit. While the operational hours for conducting arrests will be from 6:00 AM to 10:00 PM local time, the team leader(s) will determine the actual duty hours within these timeframes. No operation will begin prior to 6:00 AM or after 10:00 PM, unless the FOD has reviewed the case and given approval based on specific case justifications. However, no approval will be provided to attempt entry into a residence prior to 6:00 AM or after 10:00 PM. All activities will be conducted pursuant to ICE, ERO, and NFOP Policies and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation.

When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets and/or conducting additional casework related to identified targets.

C) Local Situation

The six (6) FOTs will conduct the operation with other resources from local CAP and Detained/Non-Detained units, as well as from federal, state, and local LEAs. The FODs must commit all available resources within their jurisdictions. *(See Attachment #2 for Supporting Agency Contact info)*

D) Operational De-Confliction

The target list will be queried in TECS utilizing (b)(7)(E) to ensure de-confliction with Homeland Security Investigations (HSI) and other law enforcement entities. Each FOD will inform their respective HSI Special Agent in Charge (SAC) of the operation and offer them the opportunity to participate.

E) Local Law Enforcement Agencies (LEAs)

The FOT Supervisory Detention and Deportation Officer (SDDO) shall advise local LEAs prior to the execution of this operational plan. The standard operating procedures for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and, if that is not possible, as soon as practicable thereafter. In the presence of exigent circumstances, it may be prudent to not provide notification of impending fugitive operations within each jurisdiction. **(If this is the case, the FOD must be made aware of these**

circumstances and concur with written justification not to notify the local LEAs.)

F) Sensitive Locations and 4th Amendment

Potential enforcement activities near sensitive locations as defined in the October 24, 2011, memorandum from John Morton, former ICE Director, entitled *Enforcement Actions at or Focused on Sensitive Locations*, will be avoided unless operationally necessary, and only then when in compliance with the requirements of memorandum. Pre-planned operations conducted near a sensitive area must be reviewed and approved in writing by the FOD and the Assistant Director for Field Operations or the ERO EAD according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **(There are no targets located near sensitive locations)**

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by their respective Office of Chief Counsel (OCC) prior to the operation, as is the case with national operations. During the pre-operational briefing, the Office of Chief Counsel will provide a 4th Amendment overview.

G) Community Issues or Politically Sensitive Issues

HQERO will provide the ICE Offices of Public Affairs (OPA) and Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. No proactive outreach shall be conducted with non-law enforcement entities on the planning or execution of this operation.

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices, to the extent possible. Should available information indicate that such non-targeted juveniles will likely be present, authorization from an AFOD or higher should be obtained prior to taking enforcement action. In the event that non-targeted minors are identified, or likely to be encountered, family members, care providers and community, as well as state and county, juvenile resources, will be identified and a plan of care for non-targeted juveniles will be addressed prior to the commencement of operations. Non-targeted

juveniles will be turned over to county resources only as a last resort. Such enforcement activity will be conducted consistent with the requirements of ICE Policy No. 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* (Aug. 23, 2013).

Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If this person is unavailable, the Office of Refugee Resettlement (ORR) must be notified at 202-401-5709 upon completion of processing. ***(There are no juvenile targets)***

In the event that juvenile(s) is/are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, the FOT SDDO and team leaders will be in possession of the agency's appropriate contact numbers, to be used as necessary throughout the entirety of the operation. ***(See Attachment #3 for list of CPS names, contacts and phone numbers)***

Whenever possible, non-targeted juveniles will be placed in the care of immediate family members who have no ascertainable criminal history, are not otherwise enforcement priorities, and/or are not targets of this operation. If there are no other options, primary care providers who fall within DHS enforcement priorities and are subject to removal but have no ascertainable criminal record and are not targets of this operation, *may* be placed on an Order of Supervision or Order of Release on Recognizance, as appropriate, with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the USAO/State Attorney's Office as appropriate. If the case is accepted for prosecution, a Form I-247, Detainer – Notice of Action, will be filed with the agency assuming custody of the alien. If the USAO/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the Form I-213 and included in the file.

J) Gangs

In the event ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on Form I-213 and photograph any tattoos. A copy of the Form I-213 and photos will be forwarded to the officer responsible for entering the subject's information into the ICE gang database. Entry of information into the ICEGangs database about suspected gang members and associates is required within 72 hours of encounter. Where operationally safe, photos will be taken in residences where gang tags and/or paraphernalia are present, to include a photo of the front of the house for future officer safety concerns.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation, convicted of violations associated with 18 U.S.C. § 521 or any other Federal or state law punishing or imposing civil consequences for gang-related activity or association, or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source or by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified as a gang member by a jail, prison, or other LEA.
- Subject has been identified as a gang member through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified as a gang member through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of immigration laws and border control efforts. ERO upholds America's immigration laws at, within, and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and locate these aliens for removal from the United States.

The objective of National Operation Cross Check VI is to apply an organized, methodical approach to the identification, location and arrest of at-large criminal aliens and public safety threats who present a danger to citizens, immigrants and visitors in the nation's communities.

III. Execution

A) Operational Intent

This operation is being conducted in furtherance of DHS's immigration enforcement priorities. The objectives of these priorities are national security, border security, and public safety.

B) Concept of Operations

The operation will consist of multiple arrest teams dispatched throughout the Dallas Field Office AOR. The teams will consist of members of the six (6) FOTs; the teams will also be assisted by Deportation Officers (DOs) from the Criminal Alien Program (CAP) and the detained and non-detained sections of local ERO offices. One DO will be assigned as the team leader for each team and one will be assigned as the File Control Officer (FCO). The teams will be assigned unmarked vehicles as well as secure transport vehicles for use during this operation.

Throughout the course of this operation, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. If operationally feasible

to do so, liaison will be established with LEAs in the areas in which enforcement efforts will be conducted.

This operation will consist of three (3) days of enforcement activities from June 13 to June 15, 2016.

- June 10, 2016: Operational briefing. All officers participating in the operation will attend the pre-operational briefing. The briefings must include a representative from the Office of Chief Counsel to address 4th Amendment and other pertinent legal considerations.
- June 13, 2016 through June 15, 2016: Arrest teams will deploy throughout the AOR to initiate arrests.
- June 17, 2016: If advisable, the Dallas ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. The NFOP and the National Criminal Analysis and Targeting Center (NCATC): A copy of the Operational Plan and target list has been sent to the NCATC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours per day, seven days per week and will provide support to FOTs conducting operations. All officers/agents participating in the operation should have the contact number for the LESC: 802-872-6020. When calling the LESC, officers should be prepared to provide their LESC officer ID number.
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the FOD Dallas AOR and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers/agents will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and body armor.
2. Beyond verbally identifying themselves as law enforcement officers, all enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, outer garments, must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.

B) Logistics

1. Primary processing location: All detainees will be transported to local detention facilities for processing.
 - a. Secondary detention and processing site(s) will be determined as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the FOT AFOD with concurrence from the appropriate FODs.
2. Lodging and per diem: Lodging and per diem expenses **are not authorized** for this operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the FOD level.
3. Removal efforts: Pursuant to ERO's mission of ensuring efficient removal in order to uphold America's immigration laws, the below actions will be performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the nearest ERO office for initial processing. All files will be reviewed by the FOT team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health and safety inspection is required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal

effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.

- c. Any arrests that require a Notice to Appear will be presented with the option of a Stipulated Removal to aid in the reduction of detention time, if deemed appropriate by supervisory personnel. To the extent possible, FODs will work with their Office of Chief Counsel and EOIR to ensure their availability to approve stipulated removals during the operation.
- d. FOTs will not *target* aliens outside the scope of National Operation Cross Check VI, although other removable aliens falling within DHS enforcement priorities may be arrested as appropriate if encountered during the operation, and circumstances dictate such action in accordance with existing policy.
- e. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers/agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- f. When appropriate, a form of alternative to detention may be utilized if authorized by supervisory personnel.

C) General Reporting Requirements

1. Daily Reports: Submitted to the AFOD and HQ NFOP via the HQ FUGOPS mailbox utilizing the HQ approved Fugitive Operations Daily Report spreadsheet. Via/Transmission: E-mail (HQERO, FUGOPS), Due: 2400 daily, Period Covered: That day's 24-hour period (0001-2400 hours)
2. ALL EAGLE entries pursuant to this operation will use "Operation Cross Check" in the operational dropdown on the initial event screen.
3. ALL (b)(7)(E) entries pursuant to this operation will use "Operation Cross Check" in the operational dropdown on the arrest screen.

4. At the conclusion of daily operations, each team leader will ensure that the (b)(7) is properly updated with all FOT arrests and that these arrests are validated in EAGLE.
5. Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to provide statistics prior to validation, the information must be clearly identified as not validated and subject to change.
6. Weekly Reports: Standard HQ FUGOPS reporting via OM2.
7. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidents occur that warrant their generation in accordance with established policies and procedures.

D) After-Action Reporting Requirements

1. Initial after-action conferences will be conducted as follows:
 - a) key operational and administrative personnel involved in the final phase(s) of the enforcement operation will be held June 17, 2016 at the ERO Dallas Field Office.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review, as necessary.
4. HQ DAL ICE OPA will coordinate with the FOD and generate a press release upon completion of the operation as necessary. ICE Public Affairs contact number: (b)(6);(b)(7)(f) (214) 905 (b)(6) (office), (214) 850-(b)(6) (mobile).

V. Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

General

Emergencies: 911

Sector: 1-800-X-SECTOR (973-2867)

INTERPOL: 202-532-4297

INTERPOL 24-hour Command Center (IOCC): 202-616-9000

ORR: 202-401-5709

LESC: 802-872-(b)(7)

NCATC POC: Steve Back, 802 657-4641, 202 422-8704 (mobile)

Local

AFOD:

Dallas (b)(6);(b)(7)(C) Fug Ops), 214-424-(b)(6) 214-437-(b)(6) (mobile)

SDDOs:

Dallas (b)(6);(b)(7)(C) 214-424-(b)(6) 214-437-(b)(6) (mobile)
(b)(6);(b)(7)(C) 214-424-(b)(6) 214-437-(b)(6) (mobile)
(b)(6);(b)(7)(C) 214-424-(b)(6) 214-604-(b)(6) (mobile)
(b)(6);(b)(7)(C) 214-424-(b)(6) 972-561-(b)(6) (mobile)

Lubbock (b)(6);(b)(7)(C) 806-740-(b)(6) 806-239-(b)(6) (mobile)

Tulsa (b)(6);(b)(7)(C) (918) 624-(b)(6) (918) 830-(b)(6) (mobile)

AUTHORIZING OFFICIAL

Simona Flores
Field Office Director
Dallas Field Office

APPROVING OFFICIAL

Matthew T. Albence
Assistant Director
Enforcement

ATTACHMENTS:

Attachment 1: Target List
Attachment 2: Supporting Agency Contact Information
Attachment 3: CPS Contact List

DISTRIBUTION:

HQ NFOP
HQ NCATC
HQ Field Operations
FOD
DFOD
Fugitive Operations AFOD

ATTACHMENT #2
Supporting Agency Contact Information

1. Abernathy PD	(806) 298-2545
2. Abilene PD	(325) 673-8331
3. Altus PD	(580) 481-2296
4. Amarillo PD	(806) 378-3088
5. Anna PD	(972) 924-3325
6. Ardmore PD	(580) 223-1212
7. Arlington PD	(817) 459-5600
8. BARTLESVILLE PD	(918) 338-4021
9. Bedford PD	(817) 952-2127
10. Bethany PD	(405) 789-2323
11. Big Spring PD	(432) 264-2550
12. Borger PD	(806) 273-0930
13. Bridgeport	(940) 683-3430
14. BIXBY PD	(918) 366-8294
15. BROKEN ARROW PD	(918) 259-8400
16. Brownfield PD	(806) 637-2511
17. Carrollton PD	(972) 466-3290
18. CATOOSA PD	(918) 266-2424
19. Celina PD	(972) 382-2121
20. Chickasha PD	(405) 222-6050
21. Child Protective Services	(800) 877-5300
22. CLAREMORE PD	(918) 341-1212
23. Cleburne PD	(817) 645-0972
24. Colleyville PD	(817) 503-1200
25. COMMERCE PD	(918) 675-4372
26. Dallas PD	(214) 744-4444
27. Dallas County Constables	(214) 875-2121
28. Denton PD	(940) 349-7966
29. Denton County Sheriff	(940) 349-1700
30. Denton County Probation	(940) 349-3301
31. Dimmitt PD	(806) 647-4545
32. Dumas PD	(806) 935-2151
33. Duncan PD	(580) 255-2112
34. Duncanville PD	(972) 780-5038
35. Edmond PD	(405) 359-4420
36. El Reno PD	(405) 262-6941
37. ENID PD	(580) 242-7000
38. Eules PD	(817) 685-1500

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39. Farmers Branch	(972) 484-3620
40. Fort Worth PD	(817) 335-4222
41. Frisco PD	(972) 292-6010
42. Gainesville PD	(940) 668-7777
43. Garland PD	(972) 485-4840
44. Geary PD	(405) 884-2167
45. Gilmer PD	(903) 843-5545
46. Gladewater PD	(903) 845-2166
47. Glenn Heights PD	(972) 223-3478
48. Grand Prairie PD	(972) 237-8700
49. Greenville PD	(903) 457-3100
50. Guthrie PD	(405) 282-3535
51. Hamlin PD	(325) 576-3633
52. Haltom City PD	(817) 222-7071
53. Hereford PD	(806) 363-7120
54. Hurst PD	(817)788-7146
55. Irving PD	(972) 721-2696
56. JENKS PD	(918) 299-6311
57. Kilgore PD	(903) 983-1559
58. Lancaster PD	(972) 218-2700
59. Lawton, PD	(580) 581-3271
60. Levelland PD	(806) 894-6164
61. Lewisville PD	(972) 219-3600
62. Lindsay PD	(405) 756-4481
63. Longview PD	(903) 237-1199
64. Lubbock PD	(806) 775-2865
65. Luther PD	(405) 277-3500
66. Madill PD	9580) 795-2387
67. Marietta PD	(580) 276-9371
68. Marshall PD	(903) 935-4520
69. Menard SO	(325) 396-4705
70. McKinney PD	(972) 547-2700
71. Memphis PD	(806) 259-2916
72. Mesquite PD	(972) 216-6759
73. MIAMI PD	(918) 542-5585
74. Moore PD	(405) 793-5171
75. MOUNDS PD	(918) 827-6160
76. Mount Pleasant PD	(903) 575-4004
77. MUSKOGEE PD	(918) 683-8000
78. Nash PD	(903) 838-0822
79. Norman PD	(405) 321-1600
80. North Richland Hills PD	(817) 427-7000
81. Oklahoma City PD	(405) 231-2121

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82.	Olton PD	(806) 285-2611
83.	OWASSO PD	(918) 272-2244
84.	Perryton PD	(806) 435-4002
85.	Plainview PD	(806) 296-1182
86.	Plano PD	(972) 424-5678
87.	PONCA CITY PD	(580) 767-0370
88.	POTEAU PD	(918) 647-8620
89.	Princeton PD	(972) 736-3901
90.	Prosper PD	(972) 347-2226
91.	Purcell PD	(405) 527-4600
92.	Richardson PD	(972) 744-4800
93.	Rowlette PD	(972) 412-6200
94.	Royse City PD	(972) 636-9422
95.	San Angelo, PD	(325) 657-4255
96.	SAND SPRINGS PD	(918) 246-2532
97.	Santa Anna PD	(325) 348-3147
98.	SAPULPA PD	(918) 224-3862
99.	Sherman PD	(903) 892-7290
100.	Stillwater PD	(405) 372-4171
101.	STILWELL PD	(918) 686-6194
102.	Stratford, PD	(806) 366-3051
103.	Sulphur Springs PD	(903) 885-7602
104.	TAHLEQUAH PD	(918) 456-8801
105.	Tarrant County Sheriff	(817) 884-3099
106.	Tatum PD	(903) 947-2281
107.	Terrell PD	(972) 551-6622
108.	The colony PD	(972) 625-1887
109.	Tulia PD	(806) 995-3555
110.	TONKAWA PD	(580) 628-2516
111.	TULSA PD	(918) 596-9222
112.	Tyler PD	(903) 531-1090
113.	USMS – Dallas	(214) 767-0836
114.	Venus PD	(972) 366-3332
115.	WAGONER PD	(918) 485-5511
116.	Wichita Falls, PD	(940) 761-6870
117.	Winnsboro PD	(903) 342-3620
118.	Wylie PD	(972) 442-8170
119.	Yukon PD	(405) 354-1711

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ATTACHEMENT 3:
CPS CONTACTS

Texas Dept of Family and Protective Services (800) 877-5300

Oklahoma Dept. of Human Services (405) 521-2283

Department of Homeland Security
Immigration and Customs Enforcement
Enforcement and Removal Operations

Dallas Field Office
Texas Operation SOAR 2012



LIMITED OFFICIAL USE

**FIELD OFFICE DIRECTOR (FOD) APPROVED
FUGITIVE OPERATIONS PLAN:**

1

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**ENFORCEMENT AND REMOVAL OPERATIONS
DALLAS FIELD OFFICE**

Sex Offender Alien Removal (SOAR)

Dates: September 8, 2012-September 12, 2012

I. Situation

The objective of Operation “Sex Offender Alien Removal (SOAR)” is to apply an organized, methodical approach to the location and arrest of Immigration and Customs Enforcement (ICE) fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large within the Dallas (DAL) Area of Operational Responsibility (AOR) consistent with the ICE Immigration Enforcement Priorities. This operation will include field activities by Fugitive Operations officers. This is part of a statewide initiative involving all four Texas field offices.

Field Office Director (FOD), Deputy Field Office Director (DFOD) and Assistant Field Office Director (AFOD) have been briefed on this operational plan, and support its execution.

A) Targeted Aliens – Fifty-seven (57)

Fifty –seven (57) aliens have been identified and will be targeted during this operation. These targets have been reviewed and approved by the FOD. The targets are comprised of aliens found within the three tier System of Priorities for Fugitive Operations, which includes aliens amenable to removal proceedings due to their criminal convictions. Of the total number of targets for this operation, thirty-five (35) are Tier 2 previously removed aliens and twenty-two (22) are Tier 3 removable aliens convicted of crimes of a sexual nature. Enforcement actions may also be taken in this operation for other aliens encountered who are determined to be removable and found to present a public safety threat or otherwise meet ICE enforcement priorities, as provided in this operation plan. If safe, non-targeted aliens encountered during the operation should be checked for criminal and immigration histories while at the arrest location or taken to a DAL ERO office and checked as quickly as possible. Based on the Prosecutorial Guidelines appropriate charging and detention decisions should be made on a case by case basis. (See attached Excel spreadsheet for target list.)

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B) Hours of Operation

Prior to the beginning of the operation, team members will be briefed on operational objectives and/or daily activities. Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hrs to 2200 hrs each day. Although the operational hours for conducting arrests will be from 0600 hrs to 2200 hrs daily, the team leader(s) will determine the actual duty hours. No operation will begin prior to 0600 hrs or after 2200 hrs, unless the FOD has reviewed case, and given approval based on specific justification for each case. All activities will be conducted pursuant to the National Fugitive Operations Program (NFOP) Policy and Procedures. Supervisory staff will change shift hours as needed in order to facilitate the operation. When a daily target list has been exhausted early in the day, consideration should be given to pursuing additional targets originally scheduled for later in the operation.

C) Local Situation

The Dallas Fugitive Operations Team(s) will conduct the operation with support from other resources from the DAL Enforcement and Removal Operations (ERO) Offices. FOD has committed all necessary resources within the DAL jurisdiction.

D) Operational De-Confliction

Homeland Security Investigations (HSI) has been advised of the operation and has stated that they do not anticipate any conflict in the area and have agreed to participate. The target list has been queried in TECS utilizing (b)(7)(E) (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operations Teams (FOT) Supervisory Detention and Deportation Officers (SDDO) shall advise local LEAs prior to the execution of any Headquarters (HQ) approved or FOD approved fugitive operation plan. The standard operating procedure for local law enforcement agencies will vary from location to location and should be established through proactive liaison. During the course of the operation, if a target is found to be in an area outside the jurisdictions originally notified as part of the plan, every reasonable effort will be made to notify the newly affected LEA prior to the FOT's arrival and if that is not possible, as soon as possible thereafter. In the presence of exigent circumstances,

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it may be prudent not to provide notification of impending fugitive operations within your jurisdiction. **(If this is the case, the appropriate FOD must be made aware of these circumstances and concur with written justification not to notify the local LEAs.)**

F) Sensitive Locations and 4th Amendment

Potential FOT activities near locations designated as sensitive as defined in the October 24, 2011, Enforcement Actions at or Focused on Sensitive Locations policy memorandum, will be avoided unless operationally necessary, and then only when in compliance with the memorandum. Pre-planned operations conducted near a sensitive area will be reviewed and approved in writing by the FOD or Headquarters according to the memorandum, and outlined in this section of the operational plan. All personnel assigned to the operation will be briefed on the policy prior to the operation and that briefing documentation will be attached to the plan. **No activities are planned or expected to occur near sensitive locations.**

All personnel assigned to the operation must be current on 4th Amendment training requirements. In addition, FODs may choose to seek additional training by the Chief Counsel just prior to the operation as is the case with national operations. **Fugitive Operations received 4th Amendment training prior to this operation.**

G) Community Issues or Politically Sensitive Issues

Three days prior to the execution of the operation, the field office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include the operational dates and location of the initiative. If the operation can reasonably be expected to result in a negative community response, this must be specifically communicated to these offices and the Assistant Director for Field Operations. **A negative community response is not anticipated as a result of this operation.**

H) Juveniles

The presence of juveniles at a target location, or in the care of a targeted alien, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that minors are identified, or likely to be encountered at a particular residence, family members, care providers and community, as well as state and county juvenile resources, will be identified and a plan of care for the juveniles will be addressed prior to the commencement of operations. Juveniles will be turned over to county resources only as a last resort.

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Prosecutorial discretion will be applied as appropriate. Officers will limit contact with any identified juvenile to the extent officer safety is not compromised. In addition, the utmost care and consideration will be used when dealing with juveniles, especially when juveniles are present during interviews or encounters with adults. The questioning of juveniles will be kept to a minimum and conducted in the least threatening manner and environment possible. **No juveniles are being targeted during this operation.**

If unaccompanied alien juveniles are encountered, the local juvenile coordinator will be contacted for guidance. If they are unavailable, the Office of Refugee Resettlement (ORR) will need to be notified at 202-401-5709 after all processing tasks are performed.

In the event that juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the FOT SDDO and team leaders may need to seek assistance from the state or local governmental agency responsible for juvenile issues, i.e. Child Protective Services (CPS). As such, FOT SDDO's and team leaders are in possession of the agency's appropriate contact numbers, to be used as deemed necessary throughout the entirety of the operation. Dallas Juvenile Coordinator: (b)(6);(b)(7)(C) 214-437-(b)(6) Dallas CPS (214) 331-7700, Lubbock CPS (806) 472-5050.

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal, that have no ascertainable criminal record may be placed on an Order of Supervision or Order of Release on Recognizance with SDDO/AFOD approval.

I) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office as appropriate. If the case is accepted for prosecution, an I-247, Immigration Detainer will be filed with the agency assuming custody of the alien. If the United States Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the narrative portion of the I-213 and included in the file.

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J) Gangs

In the event that ICE personnel encounter an alien affiliated with a street gang, officers must record the appropriate information on form I-213 and photograph any tattoos. A copy of the I-213 and photos will be forwarded to DO (b)(6);(b)(7)(C) for entering the subject's information into the ICE Gangs database.

ICE Definitions of Gang Member and Gang Associate

Gang Member: A gang member is defined as anyone who admits gang affiliation or falls under two or more of the following criteria, one of which occurred in the previous five years:

- Subject has tattoos identifying a specific gang.
- Subject frequents an area notorious for gangs and or associates with known gang members.
- Subject has been seen displaying gang hand signs/symbols.
- Subject has been identified as a gang member by a reliable source.
- Subject has been identified by an informant (tested or untested).
- Subject has been arrested on two or more occasions with known gang members (if the most recent arrest has occurred in the past five years, the "previous five years" requirement is deemed to have been met).
- Subject has been identified by a jail or prison as a gang member.
- Subject has been identified through seized written or electronic correspondence.
- Subject has been seen wearing gang apparel or been found possessing gang paraphernalia.
- Subject has been identified through documented reasonable suspicion.

Associate Gang Member: An associate gang member is defined as an individual who exhibits one of the above listed gang member criteria but not formally initiated into the gang. The officers/agents conducting the arrest will determine whether indications of association are present.

II. Mission

To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO

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upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.

One of the most important ICE mandates is the enhancement of public safety and the security of the American public. The broad authority of ICE allows for the identification and removal of dangerous, often recidivist, criminals engaged in crimes such as murder, predatory sexual offenses, narcotics trafficking, alien smuggling, and a host of other crimes that have a profoundly negative impact on our society. The Fugitive Operations Division supports this mandate by performing strategic planning and establishing policy designed to augment ICE's ability to arrest and remove these aliens from the United States.

Operation "Sex Offender Alien Removal" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases, previously removed aliens, removable aliens convicted of crimes of a sexual nature, and otherwise dangerous aliens at large within the Dallas Field Office AOR. The sustained cooperation of other LEAs throughout the area is paramount in order to be successful in this initiative.

Definitions

- **Operation Return to Sender:** An enforcement initiative that applies an organized and methodical approach to the identification, location and arrest of ICE fugitive aliens.
- **Operation Secure Streets:** An enforcement operation that targets National Fugitive Operations tier priority aliens who have been convicted of violations concerning the operation of a motor vehicle while under the influence of alcohol or drugs.
- **Operation Cross Check:** A nationwide effort that serves as the operational umbrella for all other focused enforcement efforts conducted by Fugitive Operations Teams that target specific groups, such as aliens who have been convicted of specific crimes and remain at-large.
- **Operation SOAR:** A coordinated foreign-born sex offender enforcement operation that builds on ongoing efforts to target the worst criminal aliens and remove them from our communities.

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III. Execution

A) Director's Intent

This operation is being conducted in furtherance of the national Immigration Enforcement Priorities and pursuant to the National Fugitive Operations Program Handbook. The objective of the NFOP is to reduce the backlog of ICE fugitives throughout the United States and to apprehend and remove previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens at large in the community.

B) Concept of Operations

The operation will consist of five (5) designated Fugitive Operations teams in the AOR. The teams will consist of members of the Dallas FOTs; if necessary the teams will also be assisted by Deportation Officers (DOs) and Immigration Enforcement Agents (IEAs) from other sections of the Dallas Field Office. The teams will be assigned unmarked vehicles as well as secure transport vehicles for their use.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO/AFOD. A liaison will be established with local law enforcement offices in the areas that arrest efforts will be conducted.

This operation will consist of five (5) days of enforcement activities being executed throughout the Dallas AOR from September 8, 2012, through September 12, 2012.

- NLT September 7, 2012: Operational briefings will be conducted at the Dallas and Lubbock ERO offices within the DAL AOR. All officers participating in the operation will attend the pre-operational briefing.
- September 8, 2012 to September 12, 2012: Officers from the Dallas FOTs will deploy throughout the DAL AOR to initiate arrests at residences, places of employment and/or local probation offices.
- September 13, 2012: If advisable, the ICE OPA will issue a press release following the completion of the operation once approved by the FOD.

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C) Tasks

1. The NFOP and the Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list has been sent to the FOSC and HQ NFOP via submission to the HQ ERO, FUGOPS Mailbox. Submissions must include the Operational Plan, Signed FOD Signature Page, Target List, and Personnel breakdown, along with any additional attachments as necessary.
2. The Law Enforcement Support Center (LESC) is available 24 hours a day, seven days a week and can provide support to Fugitive Operations Teams conducting operations. It is recommended that all officers/agents participating in the operation have the contact number for the LESC: 802-872-(b)(7)(C)
3. Detention Operations Coordination Center (DOCC): Detention space is suitable within the DAL AOR, and detention locations have been identified. Although DOCC assistance was not requested they have been provided a copy of this operational plan and have concurred with the operation.

IV. Administration

A) Safety

Mandatory Element: **Safety is paramount.**

1. All participating officers will be fully equipped with both deadly and non-deadly force weapons, service-issued firearms and service-issued personal body armor.
2. Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel must utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "Police."
3. Officers will not engage in high/low-speed vehicle pursuits.

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4. No additional training will be necessary prior to this operation.

B) Logistics

1. Primary processing location: All detainees will be transported to the local ERO offices within the DAL Field Office area for processing.
 - a. Secondary detention and processing site(s) to be determined as needed.
 - b. SDDO's will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD's with concurrence from the FOD.
2. Lodging and per diem: Lodging and per diem expenses **will not** be required for the operation. In the event that the need arises to utilize lodging and per diem, it will be funded at the **local** level. **(If HQ NFOP funds are requested, submissions must include a written request for HQ NFOP funds, including the breakdown of cost estimates for all travel, lodging, and per diem, with any/all additional expenses detailed in writing.)**
3. Removal efforts: It is the intent of the FOD to expeditiously remove all ICE fugitive aliens and non-fugitive aliens from the United States. The below actions have been performed to facilitate this objective:
 - a. Once arrested, all detainees will be transported to the local ERO office within the appropriate Field Office for initial processing. All files will be reviewed by the Fug Ops team leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
 - No health & safety inspection required for any facility or equipment being utilized for this operation.
 - No contracts need to be reevaluated.
 - b. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest

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location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention.

- c. FOTs will not *target* non-tier aliens, though such aliens may be arrested as appropriate if encountered during operations, and circumstances dictate such action. In keeping with ERO's overarching mission of addressing public safety threats, including FAR cases, confirmed gang members and certain gang associates, such cases may be targeted with FOD concurrence even if they do not necessarily fall within one of the tier priorities.
- d. Prosecutorial discretion in immigration enforcement matters must be exercised, consistent with all established guidelines with supervisory oversight, by ICE officers and agents. This applies at all levels during the execution of the operation and could be applied during the pre-arrest, arrest, and custody phase. Communication within the local field office is imperative and nothing within this operation plan should be interpreted to supersede local management oversight and execution of prosecutorial discretion protocols.
- e. When appropriate, a form of alternative detention can be utilized if authorized by supervisory personnel. **The Dallas Alternatives to Detention (ATD) Units have been advised of this operation and will be available should alternative detention methods be needed.**

C) General Reporting Requirements

- 1. Daily Reports: Submitted to AFOD's and San Antonio AFOD Adrian Ramirez utilizing the HQ approved Fugitive Operations Daily Report spreadsheet.

Via/Transmission: E-mail (SNA FUGOPS)

Due: 2400 daily

Period Covered: That day's 24-hour period (0001-2400 hours)

Quality Assurance: An officer(s), and support staff as needed, who are not involved with the operation, will review target files against the daily report to ensure that the statistics reported are accurate. This review must be completed daily and at the conclusion of the operation. If asked to

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provided statistics prior to validation, the information must be clearly stated to be not validated and subject to change

2. Weekly Reports: Standard HQ FUGOPS reporting via the Fugitive Case Management System (FCMS).
3. Significant Event Notification (SEN): A SEN/Significant Incident Report (SIR)/Significant Proposed Enforcement Activity Report (SPEAR) will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
4. Report Format: At the conclusion of field operations, the team leaders will ensure that the FCMS is properly updated with all FOT arrests from the operation that are to be validated as FOT arrests in ENFORCE by Close of Business (COB) each day.
5. Director Notes: Director Notes should be submitted for events or incidents that warrant their generation in accordance with established policy and procedures.

D) After Action Reporting Requirements

1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final phase(s) of the enforcement operation will be held NLT September 17, 2012, at the local ERO offices within the Dallas Field Office AOR.
2. Format: The format for issues will be:
 - a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review as necessary.
4. ICE OPA's will coordinate with the FOD's and generate a press release upon completion of the operation as necessary. **ICE Public Affairs Officers** (b)(6);(b)(7)(C) 214-905 (b)(6) and (b)(6);(b)(7)(C) 210-889- (b)(6)

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V. Command and Control

1. Primary means of communication will be via radio, telephone and e-mail.

General

Emergencies: 911
Sector: 1-800-X-SECTOR (1-800-973-2867)
ORR: 202-401-5709
LESC: 802-872-(b)(7)
LESC POC: TBD
FOSC POC: (b)(6);(b)(7)(C), 802-657-(b)(6)

Local

AFOD's: (b)(6);(b)(7)(C) 214-437-(b)(6)
(b)(6);(b)(7)(C) 214-930-(b)(6)
(b)(6);(b)(7)(C) 432-213 (b)(6);(b)(7)(C)
SDDO's: (b)(6);(b)(7)(C) 214-437-(b)(6);
(b)(6);(b)(7)(C) 214-437-(b)(6);
(b)(6);(b)(7)(C) 214-406-(b)(6);
(b)(6);(b)(7)(C) 972-561-(b)(6);
(b)(6);(b)(7)(C) 806-239-(b)(6);

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Enforcement and Removal Operations

APPROVING OFFICIAL

Simona L. Flores
Field Office Director
Dallas Field Office

ATTACHMENTS: (If applicable)

Attachment 1: Complete Target List

DISTRIBUTION:

HQ NFOP

FOSC

FOD

DFODs

Enforcement AFOD

DOCC

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Denver Field Office

Ft. Morgan FOD OP

Operation Return to Sender/Crosscheck

Fugitive Operations Program



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**FIELD OFFICE
FUGITIVE OPERATIONS PLAN:**

1

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**DETENTION AND REMOVAL OPERATIONS
DENVER FIELD OFFICE**

**Field Office Director Operation Ft. Morgan
Dates: January 19- 20, 2011**

I. Situation

The objective of Operation "FOD Ft. Morgan" is to apply an organized, methodical approach to the location and arrest of ICE fugitive and criminal aliens within the Denver Field Office Area of Responsibility (AOR). The primary purpose of this operation is to target priority fugitive and criminal aliens in the Denver AOR specifically the Ft. Morgan, Brush, Wiggins, and Weldona, Colorado areas for arrest and removal. This operation will fall under the categories of Return to Sender and Crosscheck.

The Field Office Director, Deputy Field Office Director and Assistant Field Office Director, have been briefed on this operational plan, and support its execution.

A) Targeted Fugitive and Criminal Aliens – (16)

Sixteen (16) ICE fugitives and criminal aliens have been identified and will be targeted during this operation by Fugitive Operations Team 3. Of this number, (4) are fugitive criminals, (7) are fugitive non-criminals, (1) is a criminal re-entry alien, and (4) are criminal alien non-fugitives. (See attached target list.)

B) Hours of Operation

Team members will conduct necessary pre-operational surveillance as resources permit. Operational hours will be from 0600 hours to 2200 hours each day. Although the operational hours for conducting arrests will be from 0600 hours to 2200 hours daily, the Team Leaders will determine the actual duty hours. No operation will begin prior to 0600 or after 2200, unless the Field Office Director has reviewed the case and given approval based on specific justification for each case (see attachment). All activities will be conducted pursuant to the National Fugitive Operations Program Policy and Procedures.

Supervisory staff will change shift hours as needed in order to facilitate the operation. Operational hours will be between 0600 and 2200.

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C) Local Situation

The Denver Fugitive Operations Team Three (3) will conduct the operation with support from other resources from the ERO Field Office, including the Brush, Colorado Office and local law enforcement if necessary. The Field Office Director has committed all necessary resources within his jurisdiction.

D) Operational De-Confliction

The HSI office located in Greeley, CO has been advised of the operation. HSI has stated that there is no anticipated conflict in the area and have declined to participate in the arrest phase. ERO has made no additional request for assistance. The target list has been queried in TECS utilizing (b)(7)(E) to ensure de-confliction with HSI and other law enforcement entities.

E) Local Law Enforcement Agencies (LEAs)

The Fugitive Operation Team SDDO shall advise local law enforcement agencies (LEAs) prior to the execution of any FOD approved fugitive operations plan. The standard operating procedure for local law enforcement agencies will vary from location to location and has been established through proactive liaison. In the presence of exigent circumstances, it may be prudent not to provide notification to LEAs of impending fugitive operations within a jurisdiction. If indeed this is the case, the Field Office Director must be made aware of these circumstances and concur with written justification not to notify the local LEAs.

F) Community Issues or Politically Sensitive Issues

Three (3) days prior to the execution of the operation, the Field Office will provide the Office of Public Affairs (OPA) and Office of Congressional Relations (OCR) with the specifics of the operation, to include dates and locations of the initiative.

G) Juveniles

The presence of juveniles at a target location, or in the care of a fugitive, will be explored during initial investigation, surveillance and diligent research of available indices. In the event that children are identified or likely to be

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encountered at a particular residence, family members, care providers, and community, state and county juvenile resources will be examined, and a plan of care for the juveniles will be addressed prior to the commencement of operations. If encountered, the following accompanied juveniles will be released on an order of supervision: **(No juveniles are targeted during this operation.)**

If unaccompanied alien juveniles are encountered, the Office of Refugee Resettlement (ORR) will be notified at 202-401-5709 after all processing tasks are performed. If juvenile(s) are present, and their presence was not anticipated during operational enforcement activities, the SDDO may need to seek assistance from the state or local governmental agency responsible for juvenile issues, e.g. Child Protective Services (CPS). As such, the SDDO are in possession of the appropriate agency contact numbers, to be used as necessary throughout the operation. **(See attachment for agency names, contacts, and phone numbers.)**

Whenever possible, juveniles will be placed in the care of immediate family members that have no ascertainable criminal history. If there are no other options, sole care givers who are subject to removal and have no ascertainable criminal record may be placed on an Order of Supervision with SDDO/AFOD approval.

H) Prosecutions

In instances where an alien is amenable to prosecution, the case will be presented to the United States Attorney's Office/State Attorney's Office in Colorado. If the case is accepted for prosecution, an I-247 (Detainer) will be filed with the agency assuming custody of the alien. If the U.S. Attorney's Office/State Attorney's Office declines to prosecute, the declination will be recorded in the file.

I) Gangs

If ICE personnel encounter an alien affiliated with a street gang, the appropriate information will be documented on the I-213 and tattoos will be photographed. The I-213 and photos will be forwarded to the ICE Gangs point-of-contact. Additionally, in houses where gang tags are prevalent, photos will be taken, as well as a photo of the front of the house for future officer safety concerns.

II. Mission.

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Operation "FOD Ft. Morgan" is an effort to apply an organized, methodical approach to the location and arrest of ICE fugitive cases and criminal aliens within the Denver Field Office AOR specifically Ft. Morgan, Brush, Wiggins, and Weldona, Colorado areas for arrest and removal. The sustained cooperation of other Law Enforcement Agencies (LEA's) throughout the area is paramount in order to be successful in this initiative.

Execution.

A) Directors Intent

This operation is being conducted pursuant to the National Fugitive Operations Program Policy and Procedures (Ch.19). The mission of the National Fugitive Operation Program is to reduce the backlog of ICE fugitives throughout the United States.

B) Concept of Operations

The operation will consist of one designated Fugitive Operations teams (DEN FOT 3) in the area of responsibility (AOR). The teams will include members of the Denver Fugitive Operation Teams (FOT's); Deportation Officers (DO's) and Immigration Enforcement Agents (IEA's). The Brush ERO Office will lend additional resources as needed. The teams will be assigned unmarked vehicles and secure transport vans for the operation.

As arrest efforts progress, team resources may be reassigned to other geographical areas to meet operational needs or returned to their official duty posts as deemed appropriate by the SDDO. The law enforcement liaison officer will be responsible for establishing liaison with local law enforcement offices in the areas that arrest efforts will be conducted. All participating officers will be fully equipped with both deadly and non-deadly force equipment and personal body armor.

Beyond identifying themselves verbally as law enforcement officers/agents, ERO enforcement personnel utilize law enforcement identifiers, such as neck badges, belt badges, and outer garments affixed with ICE identifiers. In order to ensure uniformity, if utilized during enforcement operations, outer garments must be prominently affixed with both the words "ICE" and "POLICE."

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This operation will consist of two days of enforcement activity being executed throughout the Ft. Morgan, areas and encompassing AOR areas from January 19, 2011 through January 20, 2011.

Phase I: January 18, 2011: Operational briefing at 1000 hours at the Loveland Fugitive Operations Office located at 350 E. 7th Street, Ste. 13, Loveland, Colorado, 80537. The Brush ERO Office will be available via the telephone.

Phase II: January 19, 2011 – January 20, 2011: Officers from the Denver FOT3 will deploy throughout the Ft. Morgan area to initiate arrests at residences and places of employment.

Phase III: January 21, 2011: If deemed necessary, the Denver Public Affairs Officer will issue a press release following the completion of the operation once approved by the FOD.

C) Tasks

1. Fugitive Operations Support Center (FOSC): A copy of the Operational Plan and target list will be sent to the FOSC.
2. The Law Enforcement Support Center (LESC): Is available 24 hours a day, seven days a week and can provide support to Fugitive Operation Teams conducting operations. All officers participating in the operation will have the contact number for the LESC.

Detention Operations Coordination Center (DOCC): Detention space is limited within the Denver AOR. The DOCC will be provided a copy of this Op Plan. Their assistance will not be requested at this time.

D) Safety and Logistics

1. **Mandatory Element:** *Safety is paramount.* Officers will not engage in vehicle pursuits. Officers will carry and have on their person non-lethal force weapons, service-issued firearms and personal body armor.
2. **Training:** No training will be necessary prior to this operation.

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3. **Primary processing location:** All detainees will be transported to the Brush ERO Office for processing.
- a. Secondary detention or processing site(s) will be identified as needed.
 - b. The SDDO will coordinate requests for additional staff to support the enforcement operation. Requests will be made through the Operations AFOD with concurrence from the Denver Field Office Director.

4. **Logistics.**

- a. Lodging and per diem expenses will be required for the operation, and will be funded at the local level.
- b. No Health & Safety inspection required for any facility or equipment being utilized for this operation.
- c. No contracts need to be reevaluated.

5. **Removal Efforts:** The intent of the Field Office Director is to expeditiously remove all ICE fugitive and non-fugitive aliens from the U.S. The below actions have been performed to facilitate this objective.

- a. Once arrested, all detainees will be transported to the Brush ERO Office for initial processing. All files will be reviewed by the Fug Ops Team Leader/SDDO for legal sufficiency prior to the alien being transferred to an appropriate detention facility.
- c. Each operational team has been instructed to secure any and all legally issued identity documents for all arrestees who will require a travel document for removal. All teams will make every legal effort to secure these documents prior to departing the arrest location. Obtaining these documents at the time of arrest will greatly decrease time spent in detention for all cases.
- d. All non-fugitive arrests that require a "Notice to Appear" will be presented with the option of a Stipulated Removal to aid in the

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reduction of detention time. The OPLA/ Denver and has been advised and contacted as to the availability to approve stipulated removals during the operation.

- e. When appropriate, a form of alternative detention will be utilized. This includes electronic monitoring.

E) General Reporting Requirements

- 1. Daily Reports: Submitted to the AFOD and HQ FUGOPS utilizing the HQ Approved "Enforcement Activity Report spreadsheet.

Via/Transmission: E-mail (HQ ERO, FUGOPS) Due: 2400 daily
Period Covered: That day's 24-hour period (0001-2400 hours)

- 2. Weekly Reports: Standard HQ FUGOPS reporting via the FCMS system.
- 3. Significant Event Notification (SEN): A SEN / SIR / SPEAR will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.
- 4. Report Format: At the conclusion of field operations the Team Leaders will ensure that the Command Center and Processing Teams properly update FCMS with all arrests by COB each day.
- 5. A/S Notes: A/S notes will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

F) After Action Reporting Requirements

- 1. Initial after action conferences will be conducted as follows:
 - a. Key operational personnel involved in the final Phase(s) of the enforcement operation will be held on January 20, 2011 at a designated location in Colorado.
- 2. Format: The format for issues will be:

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- a. Topic
 - b. Discussion
 - c. Recommendation(s)
3. Formal after action report: A memorandum of results will be generated and forwarded to the FOD for review.
 4. DEN ICE Public Affairs will coordinate with the FOD to consider a press release upon completion of the operation.

G) Command and Control

1. Primary means of communication will be via radio, telephone and E-mail.

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AUTHORIZING OFFICIAL

John P. Longshore
Field Office Director
Denver Field Office

TABS:

TAB A: Operational Support, CPS Contacts and Supporting Agency Contact Information
Attachment 1: Complete Target list FOT 3

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FUGOPS AFOD

Detention AFOD

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